ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

Case No. 762 Inst. No. 1
Filed _____ A.M. 12:45 P.M.

NOV 08 1974

J. W. CRUTCHER, CLERK
By P Remaklus Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO,

Plaintiff,

vs.

TOM TURNER, aka JOE CARL ADAMS, aka RICHARD DENNIS, JR., and CAROL SPAULDING,

Defendants.

Case No. 762

COMPLAINT - Criminal

* * *

On this 8th day of November, 1974, personally appeared before me, Derold E. Lynskey, Sheriff of Valley County, Idaho, who, being first duly sworn upon oath, complains and says:

That the above named defendants, Tom Turner, aka Joe Carl Adams, aka Richard Dennis, Jr., and Carol Spaulding, have committed two separate crimes which are similar in character or based upon the same acts or transactions as follows:

COUNT I

That the crime of MURDER IN THE FIRST DEGREE, in violation of Sections 18-4001 and 18-4003, Idaho Code, has been committed by said defendants, Tom Turner, aka Joe Carl Adams, aka Richard Dennis, Jr., and Carol Spaulding as follows:

That the said defendants, Tom Turner, aka Joe Carl Adams, aka Richard Dennis, Jr., and Carol Spaulding, on or about the 4th day of November, 1974, at and in the County of Valley, State of Idaho, then and there being, did then and there knowingly, wilfully, unlawfully, intentionally, feloniously and deliberately with premeditation and malice aforethought and the intent then and there had to kill and murder one Edward Thomas Arnold with a certain High Standard 22 Caliber Automatic pistol bearing

Serial No. 366934, then and there held in the said defendants' hands, and then and there loaded, did then and there wilfully, unlawfully, knowingly, intentionally, feloniously and of their own deliberate and premeditated malice aforethought with intent to kill and murder the said Edward Thomas Arnold, a human being, as aforesaid, aim , shoot and discharge the said loaded pistol so that the said Edward Thomas Arnold was struck in the head by the bullet from the said pistol shot and discharged at him by said Tom Turner, aka Joe Carl Adams, aka Richard Dennis, Jr., and Carol Spaulding, mortally wounding said Edward Thomas Arnold from which mortal wound he sickened and died at Valley County, Idaho, on the 4th day of November, 1974,

all of which is contrary to the form of the statute in such case made and provided and against the peace and dignity of the State of Idaho.

COUNT II

That the crime of MURDER IN THE FIRST DEGREE, in violation of Sections 18-4001 and 18-4003, Idaho Code, has been committed by said defendants, Tom Turner, aka Joe Carl Adams, aka Richard Dennis, Jr., and Carol Spaulding, as follows:

That the said defendants, Tom Turner, aka Joe Carl Adams, aka Richard Dennis, Jr., and Carol Spaulding, on or about the 4th day of November, 1974, at and in the County of Valley, State of Idaho, then and there being, did then and there knowingly, wilfully, unlawfully, intentionally feloniously and deliberately with premeditation and malice aforethought and the intent then and there had to kill and murder one certain human being whose identity is unknown, with a certain High Standard 22 Caliber Automatic pistol bearing Serial No. 366934, then and there held in the said defendants' hands, and then and there loaded, did then and there wilfully, unlawfully, knowingly, intentionally, feloniously and of their own deliberate and premeditated malice aforethought with intent to kill and murder the said unidentified human being, as aforesaid, aim, shoot and discharge the said loaded pistol so that the said unidentified human being was struck in the head by three bullets from the said pistol shot and discharged at him by said Tom Turner, aka Joe Carl Adams, aka Richard Dennis, Jr., and Carol Spaulding, mortally wounding said unidentified human being from which mortal wound he sickened and died at Valley County, Idaho, on the 4th day of November, 1974,

all of which is contrary to the form of the statute in such case made and provided and against the peace and dignity of the State of Idaho.

WHEREFORE, complainant prays that a warrant be issued for the arrest of the said defendants, Tom Turner, aka Joe Carl Adams, aka

Richard Dennis, Jr., and Carol Spaulding, and for proceedings thereafter according to law.

Sheriff of Valley County, Idaho

SUBSCRIBED AND SWORN TO before me this 8th day of November, 1974.

Magistrate

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

Case No. 862 Inst. No. 2
Filed ____ A.M. 10 45 P.M.

NOV 08 1974

J. W. CRUTCHER, CLERK
By Sue Peters Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO,
Plaintiff,
vs.
TOM TURNER, aka JOE CARL ADAMS, aka RICHARD DENNIS, JR., and CAROL SPAULDING
Defendants.

WARRANT OF ARREST

TO ANY SHERIFF, CONSTABLE, MARSHAL OR POLICEMAN IN THE STATE OF IDAHO:

A COMPLAINT UPON OATH Having been this day laid before me by Derold E. Lynskey, Sheriff of Valley County, Idaho stating the crime of two murders in the first degree, in violations of Sections 18-4001 and 18-4003, Idaho Code,

(Felony) (Misdemeanor) has been committed, and accusing Tom Turner, aka Joe Carl Adams, aka Richard Dennis, Jr., and Carol Spaulding thereof, the above named defendants,

YOU ARE THEREFORE, COMMANDED To immediately arrest the said defendants named above and bring them before me at my office in said County of Valley, or in case of my absence or inability to act before the nearest or most accessible magistrate in Valley County.

DATED This 8th day of November 19 74

May be served:
Daytime only
Daytime or nighttime X
Bond None

Magistrate for the District Court of the Fourth Judicial District, Magistrate Division

RETURN OF SERVICE

I HEREBY CERTIFY That I served the foregoing Warrant by arresting the above named defendant(s) and bring them into Court this 8th day of November 19 74

(Deputy Sheriff) (State Policeman) (City Policeman)

ROBERT H. REMAKLU
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

Filed 11-9-74 - 6:30 P.M.

Case No. 862 Inst. No. 3
Filed ____ A.M. 6:30 P.M.

NOV 09 1974

J. W. CRUTCHER, CLERK
By Sue Spaak Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant.	Case No. 862 MOTION AND ORDER FOR CONFINEMENT IN ADA COUNTY JAIL

* * *

COMES NOW, Derold E. Lynskey, Sheriff of Valley County, Idaho, and moves this Honorable Court for an order confining the above named defendant, Thomas Eugene Creech, in the Ada County, Idaho, Jail pending final determination of this action upon the ground and for the reason that it is for the safety and to the best interests of such defendant;

That such Sheriff is possessed of certain information which leads him to believe that an attempt may be made upon the life of such defendant by third persons, thereby endangering the lives and well being of the general public, and specifically Courthouse employees of Valley County, Idaho, and the Sheriff's Department;

WHEREFORE, such Sheriff prays that such an order be made and that such order shall provide for transportation of said defendant between the Ada County Jail and the Valley County Courthouse as required in the prosecution of this action.

DATED this 9th day of November, 1974.

Sheriff of Valley County, Idaho

O R D E R

Upon reading and filing the foregoing Motion and good cause appearing therefor,

IT IS HEREBY ORDERED that the above named defendant, Thomas Eugene Creech, shall be confined in the Ada County, Idaho, jail during the pendancy of this action and that the Sheriff of Valley County, Idaho, is hereby ordered to transport such defendant between the Ada County Jail and the Valley County Courthouse at such times as may be directed by the Court for proper prosecution of this action.

DATED this 9th day of November, 1974.

Magistrate

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

HON. FRANK T. ELAM
JUDGE

FALL TERM

November 8, 1974
DATE

C O U R T M I N U T E S

THE STATE OF IDAHO,
Plaintiff,

-vs-

No. 862

TOM TURNER ada JOE CARL ADAMS ada RICHARD ENNIS JR. aka THOMAS EUGENE CREECH & CAROL SPAULDING, Defendants.

Tape No. 153

Ind. No. 000-044

Appearances:

R. H. Remaklus — Prosecuting Attorney

Ward Hower — Counsel for the Defendants

Court appointed Ward Hower to represent the Defendant's.

Court ordered that the complaint be amended to read aka Thomas Eugene Creech.

Upon recommendation of the Prosecuting Attorney, clerk read the complaint in its entirity.

Court advised the Defendant's of their rights, the charges, and possible penalties.

Court continued the matter on Thomas Eugene Creech until November 12, 1974 at 10:00 o'clock A. M.

Court denied bail on the Defendant's.

Upon recommendation of the Prosecuting Attorney, court ordered that Carol Spaulding be proceeded as a juvenile under the Youth Rehabilitation Act.

Counsel for the Defendant makes a motion for dismissal on Carol Spaulding on the criminal charges.

Court takes motion under advisment.

Reporter: S. Sparks
Clerk: JWC/ss
Dated: 11-8-74

APPROVED BY:

Frank T. Elam
JUDGE

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

Case No. 862 Inst. No. 4
Filed ____ A.M. 2:40 P.M.

NOV 12 1974

J. W. CRUTCHER, CLERK
By [illegible] Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO,

Plaintiff,

vs.

THOMAS EUGENE CREECH, aka TOM TURNER, aka JOE CARL ADAMS, aka RICHARD DENNIS, JR.,

Defendant.

Cr. No. 862

ORDER OF TRANSMITTAL OF RECORD

* * *

WHEREAS, the defendant in the above entitled action was charged with two counts of murder in the first degree under Sections 18-4001 and 18-4003, Idaho Code, on a complaint signed by Derold E. Lynskey, Sheriff of Valley County, Idaho, filed in the Court; and

WHEREAS, the defendant was informed of the nature of these offenses and of his rights, including his right to counsel and the defendant stating that he wished counsel, and the Court having determined that the defendant was indigent, the Court appointed Ward Hower of Cascade, County of Valley, State of Idaho, to represent him in this matter; and

WHEREAS, the defendant appeared before this Court with his attorney on the 12th day of November, 1974, and waived his right to a preliminary hearing, and the Court sitting as a committing Magistrate, found that the said offenses herein set forth had been committed in Valley County, Idaho, as charged and that there was probable cause to believe that said defendant, Thomas Eugene Creech, is guilty of committing said offenses.

NOW, THEREFORE, IT IS HEREBY ORDERED by the Court that the said defendant, Thomas Eugene Creech, be, and he is hereby bound over to the

District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Valley, to answer to two counts of murder in the first degree, under Sections 18-4001 and 18-4003, Idaho Code, on a complaint signed by Derold E. Lynskey, Sheriff of Valley County, Idaho, filed in this Court;

IT IS FURTHER ORDERED that the defendant be remanded to the custody of the Sheriff of Valley County, Idaho, without bail.

DATED this 12th day of November, 1974.

Magistrate

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

HON. FRANK T. ELAM
JUDGE

FALL TERM

November 12, 1974
DATE

C O U R T M I N U T E S

THE STATE OF IDAHO,
Plaintiff,
-vs-
THOMAS EUGENE CREECH aka TOM TURNER aka RICHARD DENNIS JR. aka CARL ADAMS,
Defendant.

No. 862

Tape No. 153

Ind. No. 044-056

Appearances:

R. H. Remaklus — Prosecuting Attorney

Ward Hower — Counsel for the Defendant

Defendant waived the right to a preliminary hearing.

Court bound the Defendant over to District Court and set matter for next motion day on December 4, 1974 at 2:00 o'clock P.M.

Reporter: S. Sparks
Clerk: JWC//ss
Dated: 11-12-74

APPROVED BY:

JUDGE

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

Case No. 2165 Inst. No. 1
Filed 4:43 A.M. P.M.

DEC 04 1974

J. W. CRUTCHER, CLERK.
By Judy Wood Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO,

Plaintiff,

vs.

THOMAS EUGENE CREECH, aka TOM TURNER, aka JOE CARL ADAMS, aka RICHARD DENNIS, JR.,

Defendant.

Case No. 2165

INFORMATION

* * *

ROBERT H. REMAKLUS, Prosecuting Attorney in and for the County of Valley, State of Idaho, who, in the name and by the authority of said State, prosecutes in it's behalf, in proper person comes now into said District Court of the County of Valley, and gives the Court to understand and be informed that Thomas Eugene Creech is accused by this Information of two counts of Murder in the First Degree, upon which charges the said Thomas Eugene Creech, having been duly brought before a Magistrate on the 12th day of November, 1974, and upon waiving the preliminary examination upon such charges, was by said Magistrate thereupon held to answer to the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Valley, to said charges, which said crimes were committed as follows, to-wit:

COUNT I

That the crime of MURDER IN THE FIRST DEGREE, in violation of Sections 18-4001 and 18-4003, Idaho Code, has been committed by said defendant, Thomas Eugene Creech, aka Tom Turner, aka Joe Carl Adams,

aka Richard Dennis, Jr., as follows:

That the said defendant, Thomas Eugene Creech, on or about the 4th day of November, 1974, at and in the County of Valley, State of Idaho, then and there being, did then and there knowingly, wilfully, unlawfully, intentionally, feloniously and deliberately with premeditation and malice aforethought and the intent then and there had to kill and murder one Edward Thomas Arnold with a certain High Standard 22 Caliber Automatic pistol bearing Serial No. 366934, then and there held in his, the said defendant's hand, and then and there loaded, did then and there wilfully, unlawfully, knowingly, intentionally, feloniously and of his own deliberate and premeditated malice aforethought with intent to kill and murder the said Edward Thomas Arnold, a human being, as aforesaid, aim, shoot, and discharge the said loaded pistol so that the said Edward Thomas Arnold was struck in the head by the bullet from the said pistol shot and discharged at him by said Thomas Eugene Creech, mortally wounding said Edward Thomas Arnold from which mortal wound he sickened and died at Valley County, Idaho, on the 4th day of November, 1974,

all of which is contrary to the form of the statute in such case made and provided and against the peace and dignity of the State of Idaho

COUNT II

That the crime of MURDER IN THE FIRST DEGREE, in violation of Sections 18-4001 and 18-4003, Idaho Code, has been committed by said defendant, Thomas Eugene Creech, aka Tom Turner, aka Joe Carl Adams, aka Richard Dennis, Jr., as follows:

That the said defendant, Thomas Eugene Creech, on or about the 4th day of November, 1974, at and in the County of Valley, State of Idaho, then and there being, did then and there knowingly, wilfully, unlawfully, intentionally, feloniously and deliberately with premeditation and malice aforethought and the intent then and there had to kill and murder one John Wayne Bradford with a certain High Standard 22 Caliber Automatic pistol bearing Serial No. 366934, then and there held in his, the said defendant's hand, and then and there loaded, did then and there wilfully, unlawfully, knowingly, intentionally, feloniously and of his own deliberate and premeditated malice aforethought with intent to kill and murder the said John Wayne Bradford, a human being, as aforesaid, aim, shoot and discharge the said loaded pistol so that the said John Wayne Bradford was struck in the head by three bullets from the said pistol shot and discharged at him by said Thomas Eugene Creech, mortally wounding said John Wayne Bradford, from which mortal wound he sickened and died at Valley County, Idaho, on the 4th day of November, 1974,

all of which is contrary to the form of the statute in such case made and provided and against the peace and dignity of the State of Idaho.

Robert H. Remaklus
Prosecuting Attorney
Valley County, State of Idaho

Names of witnesses known to Robert H. Remaklus, Valley County Prosecuting Attorney, at the time of filing of this Information:

Derold E. Lynskey
Martin J. Maxwell
Wesley L. Woodall
Gene Hawker
Burton Walker
E. F. Bladow
Carl Tercek
Lester Kelley
Ted Nelson
Steven Rivers
James Marsh
Richard Gillilan
Carol Spaulding
Kathy Spaulding
Martha Spaulding
William Schreiber
Larry Ford
Gretchen Carney
Bill Hill
George M. Menzik
Johnnie I. Hill
Roy Lynn Hull
Bud Mason
Clayton Anderson
Chuck Peugh
Merton Logue
Chuck Palmer
Jim Hass
Lawrence Herrick
Dr. Delbert E. Scott
Dr. J. H. Treleaven
Dr. Wesley Weissert
Dr. Francis Sessions
Dr. John T. Clymer
Dr. Edward Colbach
Dr. John F. Moser
Dr. Guy Parvaresh
Eugene Booth
George Sinclair, Jr.
Loring Beals
Mr. Ford, F.B.I. Agent, Washington, D. C.

Case No. 2165 Inst. No. 2
Filed _____ A.M. 4:10 P.M.

DEC 04 1974

J. W. CRUTCHER, CLERK
By Jo Spotts Deputy

WARD HOWER, Lawyer
Cascade, Idaho 83611
Telephone: 382-4250

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant	CRIMINAL ACTION #2165 NOTICE OF INTENTION TO RELY ON THE DEFENSE OF MENTAL DISEASE OR DEFECT EXCLUDING RESPONSIBILITY

* *

NOTICE IS HEREBY GIVEN that the defendant intends to rely upon the defense of mental disease or defect excluding responsibility.

Ward Hower

Ward Hower, Attorney for the Defendant

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

Case No. 2165 Inst. No. 3
Filed _____ A.M. 4:36 P.M.

DEC 04 1974

J. W. CRUTCHER, CLERK
By Sue Sparks Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO,

Plaintiff,

vs.

THOMAS EUGENE CREECH,

Defendant.

Case No. 2165

ORDER

* * *

IT IS HEREBY ORDERED that the defendant, Thomas Eugene Creech, be remanded to the custody of the Sheriff of Ada County, Idaho, to be by him held in the Ada County, Idaho, Jail pending further order of this Court.

DATED this 4th day of December, 1974.

District Judge

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * *

STATE OF IDAHO,
Plaintiff,
vs.
THOMAS EUGENE CREECH,
Defendant,

CRIMINAL NO.2165

ORDER

DEC 5

* * * * * * * *

The Defendant in this action having filed his written Notice of his intention to rely on the defense of mental disease or defect, excluding responsibility for the offense charged:

IT IS HEREBY ORDERED, pursuant to the provisions of Section 18-211, Idaho Code, that Dr. Michael E. Estes, a duly qualified psychiatrist, be and he hereby is appointed to examine and report upon the mental condition of the Defendant.

IT IS THEREFORE ORDERED That the Sheriff of Ada County, Idaho, custodian of the Defendant, shall cause the Defendant to be taken to the office of Dr. Estes on December 12, 1974, at 11:00 A.M. for purposes of such examination, and such other times as desired by Dr. Estes.

The Defendant shall also be afforded psycological testing at the descretion of Dr. Estes, for use in the evaluation.

In such examination any method may be employed which is accepted by the medical profession for the examination of those alleged to be suffering from mental disease or defect.

The report of the examination shall include the following:

(1) A Description of the nature of the examination;

(2) A diagnosis of the mental condition of the Defendant;

(3) If the Defendant suffers from a mental disease or defect, an opinion as to his capacity to understand the proceedings against him and to assist in his own defense;

(4) An opinion as to the extent, if any, to which the capacity of the Defendant to appreciate the wrongfullness of his conduct or to conform his conduct to the requirements of the law was impaired at the time of the criminal conduct charged;

If the examination cannot be conducted by reason of the unwillingness of the Defendant to participate therein, the report shall so state and shall include, it possible, an opinion as to whether such unwillingness of the Defendant was the result of mental disease or defect.

The Report of the examination shall be filed in triplicate with the Clerk of the Court, who shall cause copies to be delivered to the Prosecuting Attorney and to Counsel for the Defendant.

IT IS FURTHER ORDERED That the Sheriff of Ada County, Idaho, cooperate with the said Dr. Estes in making the Defendant available for such examination or examinations.

Dated this 5 day of December, 1974.

District Judge

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ~~XXX~~ VALLEY

HON. ALFRED C. HAGAN
DISTRICT JUDGE

SEPTEMBER Term 19 74

December 4, 1974
Date

COURT MINUTES

The State of Idaho,
Plaintiff -
vs
Thomas Eugene Creech
Defendant -

Cr. No. 2165

MURDER IN THE FIRST DEGREE.

Appearances:

R. H. Remaklus — Counsel for State

Ward Hower — Counsel for Defendant(s)

Defendant in custody.

Information and papers filed. Time set for initial arraignment.

☑ The Court informed the Defendant(s) of the charge filed against him being a felony and of the possible penalties which could be imposed.

☑ The Court advised the Defendant(s) of his right to Counsel at public expense in all proceedings in this Court.

___ Right to Counsel waived by Defendant(s) _____.

✓ Public Defender appointed to represent Defendant(s) _____.

___ Mr. _____ appearing as own Counsel of Record for Defendant(s) _____.

☑ The Court advised the Defendant(s) of his right to Appeal from any Judgment entered, to be represented by Counsel in said Appeal and payment of Costs incurred in said Appeal at public expense and of the Appeal time being thirty (30) days.

☑ True copy of the Information furnished to the Defendant(s) and Counsel.

✓ True name(s) same for Defendant(s) Thomas Eugene Creech
Alias striken from information.

___ Defendant(s) corrected name is _____.

(Continued on Page 2)

_____ Formal reading of the Information waived by Defendant(s).

_____ Upon the Direction of the Court, the Clerk read the Information to the Defendant(s).

☐ The Court advised the Defendant(s) of the different pleas he could enter to the charge(s) set forth in the Information and of the statutory time, not less than one day, he could take before entering his plea(s).

_____ Upon the request of the Defendant(s) _____

the Court continued this matter for entry of plea(s) to 3:30 P.M., Jan 8/75.

_____ Statutory time waived by Defendant(s)_____.

_____ In answer to the Court, Defendant(s) _____

entered a plea of "Not Guilty".

_____ There being no objection by Defendant(s), the Court set this case for trial before the Court and a Jury at 9:00 A.M., _____.

_____ In answer to the Court, Defendant(s) _____

entered a plea of "Guilty".

_____ Defendant(s) _____ sworn and examined as a witness in own behalf and for information of the Court.

_____ The Court accepted the Defendant(s)_____

plea of "Guilty".

_____ The Court set aside Defendant(s)_____

plea of "Guilty" and directed the Clerk to enter a plea of "Not Guilty" on behalf of Defendant(s)_____

✓ Notice of Intention to Rely on the Defense of Mental Disease or Defect Excluding Responsibility. Appointment of psychiatrist re evalution of the Defendant taken under advisement.

_____ Statements by Counsel. Pre-sentence requested.

☐ The Court ordered a Pre-sentence report and continued this matter to 3:30 P.M., _____ for said report.

✓ Defendant remanded to the custody of the Sheriff of Ada County.

____ Defendant continued on Bond.

____ Defendant continued on own recognizance.

Reporter: Michele Bartlett Approved by:

Clerk: lr

Dated: December 4, 1974

District Judge

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

HON. J. RAY DURTSCHI — JANUARY — Term 19 75

District Judge

January 8, 1975

Date

COURT MINUTES

The State of Idaho

Plaintiff -

vs

Thomas Eugene Creech

Defendant -

No. V.C. CR 2165

MURDER IN THE FIRST DEGREE (I.C. 18-4001 and 18-4003) Felony

Appearances:

Robert H. Remaklus, Prosecuting Attorney — Counsel for State

Ward Hower, Public Defender — Counsel for Defendant

Defendant present and appearing in custody of the Ada County Sheriff.

10:00 a.m., Counsel and defendant stipulated to further arraignment being held in Ada County and there was no objection to change of time from 3:30 p.m., this date.

This case continued to this date for entry of plea.

In answer to the Court, defendant entered a plea of 'not guilty' to CT I and CT II.

Pyschiatric report not completed.

Defendant waived right to speedy trial.

There being no objection by the defendant, the Court set this case for trial before the COURT AND A JURY AT 10:00 A.M., MAY 20, 1975 for four (4) days in Valley County.

All preliminary motions to be filed by April 30, 1975 and hearing on said motion to be heard at 2:00 p.m., May 7, 1975 in Valley Co.

No objections defendant was remanded to the custody of Ada County Sheriff or upon order of the Court.

Reporter: John Gambee — Approved by:

Clerk: marya

Dated: January 8, 1975

District Judge

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

HON. J. RAY DURTSCHI, District Judge — SEPTEMBER Term 19 74

January 8, 1975
Date

COURT MINUTES

Case No. _____ Inst. No. _____
Filed _____ A.M. _____ P.M.

The State of Idaho

vs Plaintiff -

Thomas Eugene Creech

Defendant -

No. V.C. 2165

MAR 5 1975

J. W. CRUTCHER, CLERK
By _____ Deputy

MURDER IN THE FIRST DEGREE (I.C. 18-4001) and 18-4003) Felony

Appearances:
Robert H. Remaklus, Prosecuting Attorney — Counsel for State
Ward Hower, Public Defender — Counsel for Defendant

There being no objection by defendant, the Court set this case for trial before the COURT AND A JURY AT 10:00 a.m., MAY 20, 1975 for four (4) days in Valley County.

cc: above counsel

THIS IS YOUR NOTICE OF TRIAL SETTING

Reporter: John Gambee
Clerk: marya
Dated: January 8, 1975

Approved by:

District Judge

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO,
Plaintiff,
vs.
THOMAS EUGENE CREECH,
Defendant.

Case No. Cr. 2165

O R D E R

Case No. 2165 Inst. No. _____
Filed _____ A.M. _____ P.M.

MAR 5 1975

J. W. CRUTCHER, CLERK
By _____ Deputy

* * * * * * *

A P P E A R A N C E S

For the Plaintiff:
ROBERT H. REMAKLUS, Esq.
Prosecuting Attorney
Post Office Box 759
Cascade, Idaho 83611

For the Defendant:
WARD HOWER, Esq.
Attorney At Law
Cascade, Idaho 83611

The Court having received the report of Dr. Michael E. Estes in the above-entitled matter, It is hereby Ordered with respect to said report:

1. That the report be filed by the Clerk and copies delivered to the Prosecuting Attorney for Valley County and to Counsel for the defendant.

2. That the Clerk seal the file copy and not open the same except upon further order of the Court and that no one release the report or divulge the contents of the report to any person except upon further order of the Court.

Dated this 4th day of March, 1975.

District Judge

ACKNOWLEDGEMENT OF SERVICE

I hereby acknowledge the receipt of the foregoing Order of the District Court, and the copy of the report of Dr. Estes this 5th day of March, 1975.

Attorney for Plaintiff

Attorney for Defendant

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

FILED
A.M. 3:30
MAR 14 1975
By

THE STATE OF IDAHO,
Plaintiff,
vs
THOMAS EUGENE CREECH,
Defendant.

Case No. CR. 2165

ORDER

* * * * * * *

APPEARANCES

For the Plaintiff:

Robert H. Remaklus, Esq.
Prosecuting Attorney
P. O. Box 759
Cascade, Idaho 83611

For the Defendant:

Ward Hower, Esq.
Attorney At Law
Cascade, Idaho 83611

It appearing that it is necessary and appropriate that the contents of the report of Dr. Michael E. Estes be revealed to the defendant in this matter and that the order of the Court sealing such report be modified for this purpose:

IT IS HEREBY ORDERED, that Ward Hower, Counsel for defendant, may allow the defendant to read the report and discuss the contents with him, without allowing the defendant to retain a copy of the report and with the proviso that the defendant not divulge the contents of the report to any person without the further order of the court.

Dated this 14th day of March, 1975.

District Judge

WARD HOWER, Lawyer
Cascade, Idaho 83611
Telephone: 382-4250

Case No. 2165 Inst. No. 5
Filed _____ A.M. 3:00 P.M.

APR 4 1975

J. W. CRUTCHER, CLERK
By Darlene M. Brown Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant.	CRIMINAL ACTION #2165 DEFENDANT'S MOTION FOR DISCOVERY, and ORDER

* * * * * * * * * * * * * * * * *

PURSUANT TO I.C.R. 16, the defendant moves the Court for its ORDER in the form which follows.

ORDER

UPON RECEIVING AND FILING the foregoing MOTION FOR DISCOVERY, and good cause appearing therefore, it is hereby

ORDERED that the prosecuting attorney will furnish to Ward Hower. counsel for the defendant, on or before April 18, 1975, the following materials in writing:

1. The full text of any relevant written or recorded statement made by the defendant which is within the possession, custody, or control of the State, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence, and also the substance of any oral statement made by the defendant, whether before or after arrest, to a peace officer, prosecuting attorney or his agent;

2. Such copy of the defendant's prior criminal record, if any, as is available to the prosecuting attorney;

3. A listing of each document, photograph and other tangible object which is in the possession, custody or control of the prosecuting attorney and which may be material to the preparation of the defense, or is intended for use by the prosecutor as evidence at the trial, or which was obtained from or belongs to the defendant, together with an indication of a time and place at which counsel for the defendant will be permitted to inspect and photograph each such object.

4. A copy of any report of the result of a physical or mental examination(which has not been filed in this cause) or of scientific tests or experiments, made in connection with this case, within the possession, custody or control of the prosecuting attorney, or the existence of which is known or is available to him by the exercise of due diligence.

DATED this 2nd day of April, 1975.

District Judge

I certify that a true copy of the within MOTION and ORDER was delivered personally to Robert H. Renaklus on April 2, 1975.

Case No. _____ Inst. No. 6
Filed _____ A.M. 3:50 P.M.

APR 16 1975

J. W. CRUTCHER, CLERK
By Carol Marsh Deputy

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270
PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO, Plaintiff,
vs.
THOMAS EUGENE CREECH, Defendant.

CASE NO. 2165

SUBPOENA—Criminal

THE STATE OF IDAHO

To RICHARD GILLIUM

YOU ARE COMMANDED To appear before the District Court of the 4th Judicial District, in and for the County of Valley, at the court room in the Court House, in Cascade in said County, on the 20th day of May, 1975, at 10:00 o'clock A.M., as a witness in a criminal action prosecuted by the State of Idaho, against THOMAS EUGENE CREECH

Given under my hand this 10th day of April, 1975.

J. W. CRUTCHER Clerk
By T. Remaklus Deputy

STATE OF IDAHO, }
County of _____ } ss.

I HEREBY CERTIFY That I served the within Subpoena on the 11th day of April, 1975, on Richard Gillium being the witness named in said Subpoena, at the County of Ada, by showing the original to Him - Richard Gillium said witness personally, and informing Him of the contents thereof.

Dated April 11, 1975.

Fees ..... $ _____
Service ..... $ _____
Mileage ..... $ _____

Martin J. Maxwell
Deputy Sheriff

Robert H. Remaklus
P.O.Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

Case No. _____ Inst. No. 7
Filed 11:55 A.M. _____ P.M.

APR 18 1975

J. W. CRUTCHER, CLERK
By Charlene McBrien Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO,

Plaintiff,

vs.

THOMAS EUGENE CREECH,

Defendant.

Criminal No. 2165

STATE"S RESPONSE TO COURT ORDER

* * *

Pursuant to Defendant's Motion for Discovery and Order thereon dated April 2, 1975, the following information has been furnished on this date to Ward Hower, Public Defender, Attorney for the defendant Thomas Eugene Creech, to-wit:

I STATEMENTS

1. Voluntary statement of Tom Creech, dated November 8, 1974, hand written together with type written transcript thereof.

2. Interview-F.LaMarr Heyrend and Thomas Creech dated December 12, 1974.

3. Statement of William S. Hill, Glenns Ferry, Idaho Police Department, dated November 8, 1974.

4. Statement of George M. Menzek, Glenns Ferry, Idaho Police Department, dated November 8, 1974.

5. Statement of Valley County Deputy Sheriff Martin J. Maxwell, dated November 5, 1974.

6. Transcript of taped statement made March 7, 1975, by the defendant to Ken Matthews and Ada County Sheriff Chuck Palmer at the Ada County jail, Boise, Idaho, together with letter, dated April 16, 1975 from Mr. Matthews.

7. Portland, Oregon detectives Carl Tercek and Emil Bladow will testify to a conversation with the defendant at the Valley County jail at Cascade, Idaho in the presence of Ward Hower, Public Defender at which time a tape recording was made, which tape recording is in possession of such detectives at Portland, Oregon, and the contents of which are well known to Mr. Hower.

8. Ada County, Idaho Sheriff Chuck Palmer and State Investigators A.R. Mason and Wesly Woodall, will testify to various conservations with the defendant wherein the defendant

freely admitted killing Edward Thomas Arnold and John Wayne Bradford and various other persons.

II PRIOR CRIMINAL RECORD

1. NCIC - Criminal History Summary

2. Transcr[illegible] of record / Bureau of Criminal Identification and Inve[illegible]gation, London, Ohio, with finger prints and certificate dated April 15, 1975.

3. Arrest record dated August 9, 1967, June 25, 1968 and December 2, 1968, Fairfield, Ohio.

4. Letter dated November 13, 1974 from Adult Parole Authority, Columbus, Ohio, with warrant of arrest attached.

III EXHIBITS

1. Sketch of death scene prepared by Valley County Deputy Sheriff Martin J. Maxwell.

2. Valley County Sheriff's communication log sheets dated November 5th and November 6th 1974.

3. Report of FBI lab dated December 3, 1974, setting forth objects to be introduced into evidence, all of which objects are in possession of the Sheriff of Valley County Idaho, at the Valley County Court House, Cascade, Idaho, which items may be inspected and photographed by counsel for defendant at the Valley County Court House at 3:00 P.M. Friday April 18, 1975 or at such other time that may be convenient to defense counsel.

4. 1955 Buick automobile, VIN-7B 4066 337, in possession of the Valley County, Idaho Sheriff which may be inspected and photographed by counsel for defendant at the Valley County fairgrounds, at 3:00 P.M. Friday April 18, 1975 or at such other time that may be convenient to defense counsel.

5. (a) One large black purse
   (b) Documents identifying Thomas Creech
   (c) A letter to Joyce from Wayne
   (d) Identifying documents of Joseph Carl Adams
   (e) One blanket and one sleeping bag which bodies were covered with
   (f) One large sixteen inch piece of asphalt
   (g) Six foot long board
   (h) Box of .22 caliber shells
   (i) Blades of grass, blood covered from death scene
   (j) Photographs of death scene taken by Brion Miller, Valley County, Idaho Deputy Sheriff.
   (k) Photographs of death scene taken by Valley County, Idaho Deputy Sheriff Martin J. Maxwell.
   (l) Photographs taken by A.R.Mason, Investigator State Department of Law Enforcement and photographs taken by Gerry Fletcher, State Department of Law Enforcement, all of which were exhibited to defense counsel April 10th 1975.

The foregoing objects may be inspected and photographed by counsel for defendant at the Valley County Court House at 3:00 P.M. Friday April 18, 1975 or at such other time that may be convenient to the defense counsel.

IV REPORTS OF PHYSICAL OR MENTAL EXAMINATION

1. Report of Edward M. Colbach, Jr. M.D. dated December 4, 1974.

2. Report of Guy A. Parvaresh, M.D.,P.C. dated April 28, 1974.

3. Record of Post Mortem Examination, by Delbert E. Scott M.D. dated November 6, 1974.

4. Psychiatric report of John T. Clymer, M.D., Tucson, Arizona dated January 3, 1974.

5. Psychiatric report of Dr. Treleaven, M.D. dated April 22, 1974.

6. Psychiatric report of Dr. Weissert, M.D. dated May 28, 1974.

V

All other records and files in the office of the Prosecuting Attorney are available to counsel for the defendant for inspection and copying at any time during regular office hours.

Dated this 18th day of April 1975.

Robert H. Remaklus
Prosecuting Attorney
Valley County, Idaho

Receipt of copy of foregoing State's Response to Court Order acknowledged this 18th day of April 1975.

Ward Hower
Attorney for Defendant

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270
PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

Case No. 2165 Inst. No. 2
Filed ____ A.M. 1:40 P.M.

APR 30 1975

J. W. CRUTCHER, CLERK
By Darlene McBroom Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO, Plaintiff,
vs.
THOMAS EUGENE CREECH Defendant.

CASE NO. 2165

SUBPOENA—Criminal

THE STATE OF IDAHO

To WILLIAM SCHREIBER

YOU ARE COMMANDED To appear before the District Court of the 4th Judicial District, in and for the County of Valley, at the court room in the Court House, in Cascade in said County, on the 20th day of May, 1975, at 10:00 o'clock A. M., as a witness in a criminal action prosecuted by the State of Idaho, against THOMAS EUGENE CREECH

Given under my hand this 11 day of April, 1975.

J. W. CRUTCHER Clerk
By _____ Deputy

STATE OF IDAHO, }
County of Nez Perce } ss.

I HEREBY CERTIFY That I served the within Subpoena on the 29th day of April, 1975, on William Schreiber being the witness named in said Subpoena, at the County of Nez Perce by showing the original to William Schreiber said witness personally, and informing him of the contents thereof.

Dated April 29, 1975

Fees .....$
Service .....$
Mileage .....$

L. A. HUDDLESTON, SHERIFF
Walt Fleetwood Deputy

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270
PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

Case No. _____ Inst. No. 9
Filed _____ A.M. 1:41 P.M.

APR 30 1975

J. W. CRUTCHER, CLERK
By Pauline M. Beeson Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO, Plaintiff,
vs.
THOMAS EUGENE CREECH, Defendant.

CASE NO. 2165

SUBPOENA—Criminal

THE STATE OF IDAHO

To MARTHA SPAULDING

YOU ARE COMMANDED To appear before the District Court of the 4th Judicial District, in and for the County of Valley, at the court room in the Court House, in Cascade in said County, on the 20th day of May, 1975, at 10:00 o'clock A. M., as a witness in a criminal action prosecuted by the State of Idaho, against THOMAS EUGENE CREECH

Given under my hand this 11 day of April, 19 75.

J. W. CRUTCHER Clerk
By _____ Deputy

STATE OF IDAHO, County of Nez Perce } ss.

I HEREBY CERTIFY That I served the within subpoena on the 29th day of April, 1975, on Martha Spaulding being the witness named in said Subpoena, at the County of Nez Perce, by showing the original to Martha Spaulding said witness personally, and informing her of the contents thereof.

Dated April 29, 19 75

Fees ..... $ _____
Service ..... $ _____
Mileage ..... $ _____

L. A. HUDDLESTON, SHERIFF
Walt Hitzman Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO,
Plaintiff,
vs.
THOMAS EUGENE CREECH,
Defendant.

Case No. Cr. 2165

ORDER FOR PRODUCTION OF PRISONER

Case No. _____ Inst. No. 10
Filed 10:15 A.M. _____ P.M.

APR 30 1975

J. W. CRUTCHER, CLERK
By Pauline McBeam Deputy

It appearing from the motion of the defendant that Carol Spaulding will be a necessary and material witness in the trial of the above action and that she is an inmate of the Idaho State Penitentiary;

IT IS THEREFORE ORDERED That the Valley County Sheriff bring the said Carol Spaulding from the penitentiary to the above entitled Court in the Valley County Courthouse in Cascade, Idaho, on Tuesday, the 20th day of May, 1975, and retain her in his custody until her presence as a witness is no longer needed;

IT IS FURTHER ORDERED That at such time as the presence of the said Carol Spaulding is no longer needed the Sheriff shall return said Carol Spaulding to the custody of the Idaho State Penitentiary;

IT IS FURTHER ORDERED That the Idaho State Board of Correction release the said Carol Spaulding to the Valley County Sheriff for the purpose of the aforementioned appearance and retake her into custody from the Sheriff upon her return to the penitentiary.

Dated this 24th day of April, 1975.

District Judge

I hereby certify that a copy of the Order for Production of Prisoner was delivered to the Sheriff of Valley, Cascade, Idaho, and a copy was mailed to the Board of Corrections at Boise, Idaho, on the 30th day of April, 1975.

J. W. CRUTCHER, Clerk

By Pauline M. Bisson
Deputy

ROBERT H. REMAKLUS
P.O.Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

Case No. _____ Inst. No. 19
Filed _____ A.M. 1:45 P.M.

APR 30 1975

J. W. CRUTCHER, CLERK
By Pauline M. Brown Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO,

Plaintiff,

vs.

THOMAS EUGENE CREECH,

Defendant.

Criminal No. 2165

STATE'S SECOND RESPONSE TO DISCOVERY ORDER

* * * *

Comes now Robert H. Remaklus Prosecuting Attorney of Valley County, Idaho and in further response to the Courts Discovery Order states as follows:

I STATEMENTS

1. The defendant Thomas Eugene Creech made a recorded and a video tape statement to Charles Palmer Sheriff of Ada County Idaho and A.R. Mason Investigator for the State of Idaho, Department of Law Enforcement on Monday, April 28th 1975, which such video tape and recorded statement are in the possession of the Sheriff of the Ada County Idaho in Boise, Ada County Idaho and are available to defense counsel for viewing and listening purposes at any time during regular office hours of the said Ada County Sheriff. A full text of the recorded statement of said defendant will be furnished to defendant's counsel as soon as the same has been transcribed.

2. The following named police officers will testify that the defendant Thomas Eugene Creech, while in custody at the Ada County Jail, at Boise, Idaho, at various times since the 9th day of November, 1974, until the present, has made oral statements to them, the substance of which in that said defendant killed various other persons in the States of Washington, Oregon, California New Mexico, Wyoming, and Montana to wit:

Charles Palmer, Sheriff of Ada County, Idaho, Ada County Court House, Boise, Idaho

Wesley Woodall, Investigator State Department of Law Enforcement, Weiser, Idaho

A.R. Mason, Investigator State Department of Law Enforcement, Boise, Idaho

Martin J. Maxwell, Deputy Sheriff Valley County Idaho, Cascade, Idaho

Dated this 30th day of April 1975.

Robert H. Remaklus
Prosecuting Attorney
Valley County, Idaho

Receipt of copy of State's Second Response to Court Order acknowledged this 30th day of April 1975.

Ward Hower
Attorney for Defendant

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208)382-4270
PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

Case No. _____ Inst. No. 12
Filed _____ A.M. 2:59 P.M.

MAY 01 1975

J. W. CRUTCHER, CLERK
By Pauline M. Brown Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO, Plaintiff,
vs.
THOMAS EUGENE CREECH Defendant

CASE NO. 2165

SUBPOENA—Criminal

THE STATE OF IDAHO

To WESLEY L. WOODALL

YOU ARE COMMANDED To appear before the District Court of the 4th Judicial District, in and for the County of Valley, at the court room in the Court House, in Cascade in said County, on the 20th day of May, 1975, at 10:00 o'clock A. M., as a witness in a criminal action prosecuted by the State of Idaho, against THOMAS EUGENE CREECH

Given under my hand this 11 day of April, 1975.

J. W. CRUTCHER
Clerk
By P. Remaklus
Deputy

STATE OF IDAHO, }
County of Valley } ss.

I HEREBY CERTIFY That I served the within Subpoena on the 28 day of April, 1975, on Wesley L. Woodal being the witness named in said Subpoena, at the County of Valley, by showing the original to Wesley L. Woodal, the said witness personally, and informing him of the contents thereof

Dated April 28, 1975

Fees ..... $
Service ..... $
Mileage ..... $

Martin J. Maguire

Case No._____ Inst. No. 17
Filed_____ A.M. 4:15 P.M.

SHERIFF'S RETURN

MAY 02 1975

J. W. CRUTCHER, CLERK
By Sandra M. Brown Deputy

SHERIFF'S OFFICE)
COUNTY OF ELMORE) SS:
STATE OF IDAHO)

I, EARL WINTER, Sheriff of the County of Elmore, do hereby certify that I received the within hereunto annexed SUBPOENA on the 29th day of April 19 75, and personally served the same upon WILLIAM HILL, the within named Witness, by delivering to and leaving with the said Witness, personally, in the County of Elmore, State of Idaho, on the 30th day of April, 19 75, a true copy of said SUBPOENA. I also showed the original SUBPOENA to the said Witness.

Dated: 1st day of May, 1975

State Case: NO fees

EARL WINTER, Sheriff
Elmore County, Idaho

By Alice Shumaker
Deputy Sheriff

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270
PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

RECEIVED
Sheriff's Office
APR 21 1975
Hr 11 00 A M
Elmore County, Idaho

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO, Plaintiff,

vs.

THOMAS EUGENE CREECH, Defendant.

CASE NO. 2165

SUBPOENA—Criminal

THE STATE OF IDAHO

To WILLIAM HILL

YOU ARE COMMANDED To appear before the District Court of the 4th Judicial District, in and for the County of Valley, at the court room in the Court House, in Cascade in said County, on the 20th day of May, 1975, at 10:00 o'clock A.M., as a witness in a criminal action prosecuted by the State of Idaho, against THOMAS EUGENE CREECH

Given under my hand this 11 day of April, 19 75.

J. W. CRUTCHER
Clerk

By _____
Deputy

STATE OF IDAHO, }
County of _____ } ss.

I HEREBY CERTIFY That I served the within Subpoena on the _____ day of _____, 19___, on _____ being the witness named in said Subpoena, at the County of _____, by showing the original to _____ said witness personally, and informing _____ of the contents thereof.

Dated _____, 19___

Fees ..... $ _____
Service ..... $ _____
Mileage ..... $ _____

Case No._____ Inst. No. 14
Filed_____ A.M. 4:16 P.M.

MAY 02 1975

J. W. CRUTCHER, CLERK
By Deputy

SHERIFF'S RETURN

SHERIFF'S OFFICE)
COUNTY OF ELMORE) SS:
STATE OF IDAHO)

I, EARL WINTER, Sheriff of the County of Elmore, do hereby certify that I received the within hereunto annexed SUBPOENA on the 29th day of April 19 75, and personally served the same upon GEORGE M. MENZIK, the within named Witness, by delivering to and leaving with the said Witness, personally, in the County of Elmore, State of Idaho, on the 30th day of April, 19 75, a true copy of said SUBPOENA. I also showed the original SUBPOENA to the said Witness.

Dated: 1st day of May, 1975

State Case: No fees

EARL WINTER, Sheriff
Elmore County, Idaho

By Alice Obenchain
Deputy Sheriff

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270
PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

RECEIVED
Sheriff's Office
APR 23 1975
Hr. 11 Min. 00 AM
Elmore County, Idaho

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO, Plaintiff,
vs.
THOMAS EUGENE CREECH, Defendant.

CASE NO. 2165

SUBPOENA—Criminal

THE STATE OF IDAHO

To GEORGE M. MENZIK

YOU ARE COMMANDED To appear before the District Court of the 4th Judicial District, in and for the County of Valley, at the court room in the Court House, in Cascade in said County, on the 20th day of May, 1975, at 10:00 o'clock A. M., as a witness in a criminal action prosecuted by the State of Idaho, against THOMAS EUGENE CREECH

Given under my hand this 11 day of April, 19 75.

J. W. CRUTCHER
Clerk

By P. Remaklus
Deputy

STATE OF IDAHO, }
County of _____ } ss.

I HEREBY CERTIFY That I served the within Subpoena on the _____ day of _____, 19____, on _____ being the witness named in said Subpoena, at the County of _____, by showing the original to _____ said witness personally, and informing _____ of the contents thereof.

Dated _____, 19____.

Fees .....$_____
Service .....$_____
Mileage .....$_____

_____
_____

WARD HOWER, Lawyer
Cascade, Idaho 83611
Telephone: 382-4250

Case No. 2165 Inst. No. 13
Filed 11:30 A.M. _____ P.M.
MAY 5 1975
J. W. CRUTCHER, CLERK
By Carol Marsh Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant.	CRIMINAL ACTION #2165 MOTION and ORDER FOR PRODUCTION OF WITNESS

* * * * * * * * * * * * * * * * * * *

COMES NOW the defendant, by and through the undersigned public defender for Valley County, Idaho, his attorney of record, and moves the Court for its ORDER requiring the State Board of Correction to produce Carol Spaulding before this Court to give testimony as a witness for the defendant at the trial of this cause, as set out hereafter. The undersigned counsel certifies that the said Carol Spaulding is a witness to facts material to the defense, and that she is now a prisoner confined in jail or prison under the custody of the said Board.

Ward Hower

Ward Hower, attorney for the defendant

O R D E R

UPON READING AND FILING THE FOREGOING MOTION, and good cause appearing therefor, it is by the Court ORDERED, that the State Board of Correction will produce Carol Spaulding to give testimony as a witness for the defendant at the trial of this cause in the Courtroom of this Court in the Valley County Courthouse in Cascade, Idaho, on Tuesday, the 20th day of May, 1975, at ten o'clock in the morning of such day.

IT IS FURTHER ORDERED that the Clerk of this Court will give prompt notice of the entry of this ORDER to the State Board of Correction and to the prosecuting attorney of Valley County by regular mail, with the fact of such mailing noted in the docket.

DATED this ___ day of April, 1975.

District Judge

I certify that a true copy of the foregoing MOTION and ORDER FOR PRODUCTION OF WITNESS was duly mailed to Robert H. Remaklus, attorney for the Plaintiff, at Box 759, Cascade, Idaho 83611, this 23rd day of April, 1975.

/s/ Ward Hower

Ward Hower, attorney for the defendant

Case No. _____ Inst. No. 16
Filed _____ A.M. 4:55 P.M.

MAY 16 1975

J. W. CRUTCHER, CLERK
By Pauline M. Broom Deputy

ROBERT H. REMAKLUS
P.O.Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO, Plaintiff,	Criminal No. 2165
vs.	STATE'S THIRD RESPONSE
THOMAS EUGENE CREECH, Defendant.	TO DISCOVERY ORDER

* * *

Comes now Robert H. Remaklus Prosecuting Attorney of Valley County, Idaho and in further response to the Courts Discovery Order states as follows:

I STATEMENTS

1. Transcript of taped statement taken from the defendant Thomas Eugene Creech at the Valley County Court House Cascade, Idaho, November 9, 1974, in the presence of Ward Hower, Valley County Public Defender, by Detectives Carl Tercek and Emil F. Bladow referred to in item seven of Section I, Statements of the State's first response to discovery order.

2. Transcript of taped interview held April 15, 1975, at the Ada County, Idaho, jail by Captain Ray Froelich, Missoula, Montana Sheriff's Department.

3. Transcript of taped interview held April 16, 1975, at the Ada County, Idaho, jail by Captain Ray Froelich, Missoula, Montana Sheriff's Department.

II PRIOR CRIMINAL RECORD

(Nothing added)

III EXHIBITS

1. Plastic fragments from interior dome light of 1955 Buick automobile, VIN-7B 4066 337, which fragments were located at death scene.

IV REPORTS OF PHYSICAL OR MENTAL EXAMINATION

1. Record of Post Mortem examination of body of Edward Thomas Arnold, by Delbert E. Scott, M.D. dated November 7, 1974.

Dated this 6th day of May, 1975.

Robert H. Remaklus
Prosecuting Attorney
Valley County, Idaho

Receipt of copy of State's Third Response to Court Order acknowledged this 6th day of May, 1975.

Ward Hower
Attorney for Defendant

Case No. 2165 Inst. No. 17
Filed 11:40 A.M. _____ P.M.

MAY 07 1975

J. W. CRUTCHER, CLERK
By Pauline M. Brim Deputy

ROBERT H. REMAKLUS
P.O.Box 759
Cascade, Idaho 83611
Telephone (208) 83611

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO, Plaintiff,	Criminal No. 2165
vs	PETITION TO COMPEL ATTENDANCE
THOMAS EUGENE CREECH, Defendant.	OF OUT OF STATE WITNESS

* * *

COMES NOW Robert H. Remaklus, Prosecuting Attorney of Valley County, Idaho, and does hereby petition the above entitled Court as follows:

1. That trial of the above entitled matter, being a criminal prosecution upon two counts of murder in the first degree, is now pending and trial proceedings will commence Tuesday, May 20, 1975, at ten o'clock A.M.

2. That Steven Paul Rivers is a material witness for the State of Idaho in said cause and resides at 912 West University Park Way, Baltimore, Maryland, a State wherein provision is made by law to command persons to attend and testify criminal prosecutions.

WHEREFORE, it is requested that a Certificate be issued affirming the necessity of said person as a witness and authorizing that he be directed by a Judge of Court

of record in the State of Maryland, County of Baltimore, to appear and attend such trial for a period of not less than two (2) days.

Dated this 5th day of May, 1975.

Robert H. Remaklus
Prosecuting Attorney
Valley County, Idaho

Case No. 2165 Inst. No. 16
Filed 11:41 A.M. _____ P.M.

MAY 07 1975

J. W. CRUTCHER, CLERK
By Pauline M Evans Deputy

ROBERT H. REMAKLUS
P.O.Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO, Plaintiff, vs THOMAS EUGENE CREECH, Defendant. * * *	Criminal No. 2165 Certificate Under Uniform Act to Secure Attendance of Witness (Idaho Code Section 19-3005)

Petition having been filed herein by Robert H. Remaklus, Prosecuting Attorney for Valley County, State of Idaho, pursuant to Idaho Code Section 19-3005, that one Steven Paul Rivers be directed and authorized to appear and attend the trial in the above entitled matter, on May 22nd and May 23rd, 1975, and it appearing that said witness is material and necessary to the prosecution;

It is hereby certified that Steven Paul Rivers be directed by Judge of a Court of record of Baltimore County, State of Maryland, to appear and attend the trial in the above entitled matter, in which trial testimony will commence at Ten o'clock A.M. on May 22nd, 1975, and that said witness shall be required to attend such trial for a period of not less than two (2) days.

IT IS FURTHER ORDERED that said witness will be tendered mileage and daily allowance provided by law and statutes of the State of Idaho.

ENTERED this 5th day of May, 1975.

District Judge

Case No. 2165 Inst. No. 17
Filed 11:43 A.M. _____ P.M.

MAY 07 1975

J. W. CRUTCHER, CLERK
By _____ Deputy

ROBERT H. REMAKLUS
P.O.Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO,

Plaintiff,

vs

THOMAS EUGENE CREECH,

Defendant.

Criminal No. 2165

PETITION TO ADVANCE FEES

Robert H. Remaklus, Prosecuting Attorney of Valley County, Idaho, requests the above entitled Court to direct its Clerk to advance $311.47 as mileage fees, together with attendance fees in the sum of $16.00, for out of State witness required to testify in the trial of the above cause; said witness resides at 912 W. University Park Way, Baltimore, Maryland, and the law provides for $.25 cents per mile: said witness will be required for two (2) days and the law provides for attendance fees at the rate of $8.00 per day.

Dated this 5th day of May, 1975.

Robert H. Remaklus
Prosecuting Attorney
Valley County, Idaho

O R D E R

Upon the above Petition and good cause appearing, IT IS ORDERED that the Clerk of the above entitled Court shall advance the sum of $327.47 to Steven Paul Rivers, to be forthwith delivered as advance witness fees and mileage, to secure the attendance of said person as a witness in the above entitled action from 912 West University Park Way, Baltimore, Maryland.

Dated this 5th day of May, 1975.

District Judge

Case No. _____ Inst. No. 36
Filed _____ A.M. 1:40 P.M.

MAY 07 1975

J. W. CRUTCHER, CLERK
By _____ Deputy

ROBERT H. REMAKLUS
P.O.Box 759
Cascade, Idaho 83611
Telephone (208) 4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO, Plaintiff,	Criminal No. 2165
vs.	Motion for Production of
THOMAS EUGENE CREECH, Defendant.	Witness

* * *

Comes now Robert H. Remaklus Prosecuting Attorney of Valley County, Idaho and moves this Honorable Court for an order to produce one Carol Spaulding as a material witness in the trial of the above entitled action, from the Idaho State Penitentiary at Boise, Idaho where in she is an inmate.

This motion is made and based upon the Affidavit attached hereto.

Dated this 7th day of May, 1975.

Robert H. Remaklus
Prosecuting Attorney
Valley County, Idaho

Case No._____ Inst. No. 22
Filed_____ A.M. 1:43 P.M.

MAY 07 1975

J. W. CRUTCHER, CLERK
By Marlene M. Brown Deputy

A F F I D A V I T

STATE OF IDAHO)
) ss
COUNTY OF VALLEY)

Robert H. Remaklus, being first duly sworn on upon oath, deposes and says:

That he is a duly elected qualified and acting Prosecuting Attorney of Valley County, Idaho:

That Carol Spaulding an inmate in the Idaho State Penitentiary Boise, Idaho is a necessary and material witness for the State in the above entitled action in that said Carol Spaulding was present at and a witness to the offenses charged in the information on file herein.

Robert H. Remaklus

SUBSCRIBED and SWORN to before me this 7th day of May, 1975.

Notary Public for Idaho
Residing at: Cascade

Case No. _____ Inst. No. 21
Filed _____ A.M. 2:47 P.M.

MAY 07 1975

J. W. CRUTCHER, CLERK
By _____ Deputy

ROBERT H. REMAKLUS
P.O.Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY

VALLEY COUNTY, IDAHO

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO,
Plaintiff,
vs.
THOMAS EUGENE CREECH,
Defendant.

Criminal No. 2165

ORDER FOR PRODUCTION OF PRISONER

* * *

It appearing from the Motion and Affidavit of Robert H. Remaklus Prosecuting Attorney in and for the County of Valley, State of Idaho, that Carol Spaulding will be a necessary and material witness in the trial of the above entitled action and that she is an inmate of the Idaho State Penitentiary:

IT IS THEREFORE ORDERED That the Valley County Sheriff bring the said Carol Spaulding from the penitentiary to the above entitled Court in the Valley County Courthouse in Cascade, Idaho, on Tuesday, the 20th day of May, 1975, and retain her in his custody until her presence as a witness is no longer needed;

IT IS FURTHER ORDERED That at such time as the presence of the said Carol Spaulding is no longer needed the Sheriff shall return said Carol Spaulding to the custody of the Idaho State Penitentiary;

IT IS FURTHER ORDERED That the Idaho State Board of Correction release the Said Carol Spaulding to the Valley County Sheriff for the purpose of the aforementioned appearance and retake her into custody from teh Sheriff upon her return to the penitentiary.

Dated this 7th day of May, 1975.

District Judge

Case No._____ Inst. No. 22
Filed_____ A.M. 1145 P.M.

MAY 07 1975

J. W. CRUTCHER, CLERK
By Julia M. Dunn Deputy

ROBERT H. REMAKLUS
P.O.Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

IN THE DISTRICT COURT OF THE FOURTH JULICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant.	Criminal No. 2165 ADDENDUM TO STATE'S THIRD RESPONSE TO DISCOVERY ORDER

* * *

Comes now Robert H. Remaklus Prosecuting Attorney of Valley County, Idaho and states that on the 6th day of May, 1975, the information contained in the States Third Response to Discovery Order was furnished to Ward Hower Public Defender, attorney for the above named defendant and said Prosecuting Attorney does hereby further advise the Public Defender that the plastic fragments found from the interior dome light of the 1955 Buick automobile, VIN-7B 4066 337, located at the death scene, are in the possession of the Valley County Sheriff and may be photographed and inspected by the Public Defender at the Valley County Sheriff's office at any time during regular office hours of such Sheriff or at any other time convenient to defense counsel and said Sheriff.

Dated this 7th day of May, 1975.

Robert H. Remaklus
Prosecuting Attorney
Valley County, Idaho

Receipt of copy of Addendum to State's Third Response to Discovery Order acknowledged this 7th day of May, 1975.

Ward Hower
Attorney for Defendant

Case No. _____ Inst. No. 23
Filed 9:30 A.M. _____ P.M.

MAY 0 8 1975

J. W. CRUTCHER, CLERK
By _____ Deputy.

ROBERT H. REMAKLUS
P.O.Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO,
Plaintiff,
vs.
THOMAS EUGENE CREECH
Defendant.

Criminal No. 2165

SUPPLEMENTAL ORDER TO ADVANCE WITNESS FEES

IT IS HEREBY ORDERED that the Clerk of the above entitled Court shall advance the sum of Twenty Dollars ($20.00) to Steven Paul Rivers, to be forthwith delivered as advance witness fees and mileage, in addition to the fees and mileage heretofor ordered to be advanced to said Steven Paul Rivers, to secure the attendance of said person as a witness in the above entitled action from 912 West University Park Way, Baltimore, Maryland.

Dated this 8th day of May, 1975.

District Judge

015687

Case No. _____ Inst. No. 32
Filed _____ A.M. 4:04 P.M.

MAY 14 1975

J. W. CRUTCHER, CLERK
By Pauline M. Bisom Deputy

RECEIVED
MAY 9 1975

ROBERT H. REMAKLUS
P.O.Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO, Plaintiff,

vs.

THOMAS EUGENE CREECH Defendant.

Case No. 2165

SUBPOENA—Criminal

THE STATE OF IDAHO

To ANN BRADLEY

YOU ARE COMMANDED To appear before the District Court of the _____ Judicial District, in and for the County of Valley, at the court room in the Court House, in Cascade in said County, on the 20th day of May, 1975 at 10:00 o'clock A. M., as a witness in a criminal action prosecuted by the State of Idaho, against THOMAS EUGENE CREECH

Given under my hand this 6th day of May, 1975.

J. W. CRUTCHER, CLERK
Clerk
By Pauline M Bisom
Deputy

STATE OF IDAHO,
County of Ada } ss.

I HEREBY CERTIFY That I served the within Subpoena on the 12th day of May, 1975, on Ann Bradley being the witness named in said Subpoena, at the County of Ada, by showing the original to Ann Bradley said witness personally, and informing her of the contents thereof.

Dated 5-12-75, 19

Fees .....$
Service .....$
Mileage .....$

KYLE V. ARNOLD, MARSHAL
FOURTH JUDICIAL DISTRICT
BOISE, IDAHO 83702

By Doris Swenson
DEPUTY MARSHAL

Date 5-12-75

015399

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270
PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

Case No. _____ Inst. No. 31
Filed _____ A.M. 4:03 P.M.

MAY 14 1975

J. W. CRUTCHER, CLERK
By Evelyn M. Lyons Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO, Plaintiff,
vs.
THOMAS EUGENE CREECH Defendant.

CASE NO. 2165

SUBPOENA—Criminal

THE STATE OF IDAHO

To MICHAEL E. ESTESS, M. D.

YOU ARE COMMANDED To appear before the District Court of the 4th Judicial District, in and for the County of Valley, at the court room in the Court House, in Cascade in said County, on the 20th day of May, 1975, at 10:00 o'clock A. M., as a witness in a criminal action prosecuted by the State of Idaho, against THOMAS EUGENE CREECH

Given under my hand this 11 day of April, 1975.

J. W. CRUTCHER Clerk
By L Remaklus Deputy

STATE OF IDAHO, }
County of Ada } ss.

I HEREBY CERTIFY That I served the within Subpoena on the 7 day of May, 1975, on Michael E. Estess being the witness named in said Subpoena, at the County of Ada, by showing the original to him said witness personally, and informing him of the contents thereof.

Dated 5/7, 1975

Fees ..... $ _____
Service ..... $ _____
Mileage ..... $ _____

C. S. Bailey
5/7/75

015400

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270
PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

Case No. _____ Inst. No. 30
Filed _____ A.M. 4:02 P.M.

MAY 14 1975

J. W. CRUTCHER, CLERK
By Barbara M. Brown Deputy

RECEIVED
MAY 1 1975

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO, Plaintiff,
vs.
THOMAS EUGENE CREECH Defendant.

CASE NO. 2165

SUBPOENA—Criminal

THE STATE OF IDAHO

To F. LaMAR HEYREND, M. D. 376-2472

YOU ARE COMMANDED To appear before the District Court of the 4th Judicial District, in and for the County of Valley, at the court room in the Court House, in Cascade in said County, on the 20th day of May, 1975, at 10:00 o'clock A.M., as a witness in a criminal action prosecuted by the State of Idaho, against THOMAS EUGENE CREECH

Given under my hand this 11 day of April, 1975.

J. W. CRUTCHER
Clerk
By _____
Deputy

STATE OF IDAHO,
County of Ada } ss.

I HEREBY CERTIFY That I served the within Subpoena on the 7 day of May, 1975, on F. LaMar Heyrend being the witness named in said Subpoena, at the County of Ada, by showing the original to him said witness personally, and informing him of the contents thereof.

Dated 5/7, 1975.

LYLE V. ARNOLD, MARSHAL
FOURTH JUDICIAL DISTRICT
BOISE, IDAHO 83702

By A. D. Bailey
DEPUTY MARSHAL

Date 5/7/75

Fees ..... $
Service ..... $
Mileage ..... $

015402

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270
PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

Case No. _____ Inst. No. 29
Filed _____ A.M. 4:01 P.M.

MAY 14 1975

J. W. CRUTCHER, CLERK
By Pauline M. Brown Deputy

RECEIVED
MAY 1 1975

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO, Plaintiff,
vs.
THOMAS EUGENE CREECH Defendant.

CASE NO. 2165

SUBPOENA—Criminal

THE STATE OF IDAHO

To LORING BEALS 376-0364

YOU ARE COMMANDED To appear before the District Court of the 4th Judicial District, in and for the County of Valley, at the court room in the Court House, in Cascade in said County, on the 20th day of May, 1975, at 10:00 o'clock A.M., as a witness in a criminal action prosecuted by the State of Idaho, against _____

Given under my hand this 11 day of April, 19 75.

J. W. CRUTCHER Clerk
By _____ Deputy

STATE OF IDAHO, } ss.
County of Ada }

I HEREBY CERTIFY That I served the within Subpoena on the 6 day of May, 1975, on Loring Beals being the witness named in said Subpoena, at the County of Ada, by showing the original to him said witness personally, and informing him of the contents thereof.

Dated 5/6, 19 75.

Fees ..... $ _____
Service ..... $ _____
Mileage ..... $ _____

KYLE V. ARNOLD, MARSHAL
FOURTH JUDICIAL DISTRICT
BOISE, IDAHO 83702
By C. D. Bailey DEPUTY MARSHAL
Date 5/6/75

015401

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270
PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

Case No. _____ Inst. No. 28
Filed _____ A.M. 1:00 P.M.

MAY 14 1975

J. W. CRUTCHER, CLERK
By Pauline M. Dixon Deputy

RECEIVED
MAY 1 1975

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO, Plaintiff,
vs.
THOMAS EUGENE CREECH Defendant.

CASE NO. 2165

SUBPOENA—Criminal

Dr. Gil Hoff
376-1210 ext

THE STATE OF IDAHO

To DR. DELBERT E. SCOTT 315-7972

YOU ARE COMMANDED To appear before the District Court of the 4th Judicial District, in and for the County of Valley, at the court room in the Court House, in Cascade in said County, on the 20th day of May, 1975, at 10:00 o'clock A. M., as a witness in a criminal action prosecuted by the State of Idaho, against THOMAS EUGENE CREECH

Given under my hand this 11 day of April, 1975.

J. W. CRUTCHER
Clerk
By _____
Deputy

STATE OF IDAHO, }
County of _____ } ss.

I HEREBY CERTIFY That I served the within Subpoena on the 6 day of May, 1975, on Dr. Delbert E. Scott being the witness named in said Subpoena, at the County of Ada, by showing the original to him said witness personally, and informing him of the contents thereof.

Dated 5/6, 1975.

LYLE V. ARNOLD, MARSHAL
FOURTH JUDICIAL DISTRICT
BOISE, IDAHO 83702
By _____ DEPUTY MARSHAL
Date 5/6/75

Fees ..... $ _____
Service ..... $ _____
Mileage ..... $ _____

015398

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270
PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

Case No. _____ Inst. No. 97
Filed _____ A.M. 3:54 P.M.

MAY 14 1975

J. W. CRUTCHER, CLERK
By Barbara M. Brown Deputy

RECEIVED
MAY 1 1975

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO, Plaintiff,
vs.
THOMAS EUGENE CREECH Defendant.

CASE NO. 2165

SUBPOENA—Criminal

THE STATE OF IDAHO

To ALVIN R. MASON

YOU ARE COMMANDED To appear before the District Court of the 4th Judicial District, in and for the County of Valley, at the court room in the Court House, in Cascade in said County, on the 20th day of May, 1975, at 10:00 o'clock A.M., as a witness in a criminal action prosecuted by the State of Idaho, against THOMAS EUGENE CREECH

Given under my hand this 11 day of April, 19 75.

J. W. CRUTCHER Clerk
By _____ Deputy

STATE OF IDAHO, }
County of Ada } ss.

I HEREBY CERTIFY That I served the within Subpoena on the 5 day of May, 1975, on Alvin R. Mason being the witness named in said Subpoena, at the County of Ada, by showing the original to him said witness personally, and informing him of the contents thereof.

Dated 5/5, 1975.

LYLE V. ARNOLD, MARSHAL
FOURTH JUDICIAL DISTRICT
BOISE, IDAHO 83702
By _____ DEPUTY MARSHAL
Date 5/5/75

Fees ..... $ _____
Service ..... $ _____
Mileage ..... $ _____

015397

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270
PROSECUTING ATTORNEY
VALLEY COUNTY IDAHO

Case No. _____ Inst. No. 26
Filed _____ A.M. 3:58 P.M.

MAY 14 1975

J. W. CRUTCHER, CLERK
By _____ Deputy

RECEIVED
MAY 1 1975

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO,
Plaintiff,
vs.
THOMAS EUGENE CREECH
Defendant.

CASE NO. 2165

SUBPOENA—Criminal

THE STATE OF IDAHO

To CHARLES PALMER, ADA COUNTY SHERIFF

YOU ARE COMMANDED To appear before the District Court of the 4th Judicial District, in and for the County of Valley, at the court room in the Court House, in Cascade in said County, on the 20th day of May, 1975, at 10:00 o'clock A. M., as a witness in a criminal action prosecuted by the State of Idaho, against THOMAS EUGENE CREECH

Given under my hand this 11 day of April, 1975.

J. W. CRUTCHER
Clerk
By L. Remaklus
Deputy

STATE OF IDAHO,
County of Ada

I HEREBY CERTIFY That I received the within Subpoena on the 11
day of April 1975, and on Charles Palmer
being the witness named in said Subpoena, at the County of Ada, by showing the original to him said witness personally, and informing him of the contents thereof.

Dated 5/1/75

LYLE V. ARNOLD, MARSHAL
FOURTH JUDICIAL DISTRICT
BOISE, IDAHO 83702
By C. D. Bailey
DEPUTY MARSHAL
5/1/75

Fees ..... $
Service ..... $
Mileage ..... $

ROBERT H. REMAKLUS
P.O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

Case No. _____ Inst. No. _____
Filed _____ A.M. 3:01 P.M.

MAY 12 1975

J. W. CRUTCHER, CLERK
By Pauline M. Bisom Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO, Plaintiff,

vs.

THOMAS EUGENE CREECH Defendant.

CASE NO. 2165

SUBPOENA—Criminal

THE STATE OF IDAHO

To Emil Bladow

YOU ARE COMMANDED To appear before the District Court of the 4th Judicial District, in and for the County of Valley, at the court room in the Court House, in Cascade in said County, on the 20th day of May, 1975 at 10:00 o'clock A. M., as a witness in a criminal action prosecuted by the State of Idaho, against THOMAS EUGENE CREECH

Given under my hand this 30th day of April, 1975.

SEAL

J. W. CRUTCHER, CLERK
Clerk
By S/Pauline M. Bisom
Deputy

STATE OF IDAHO, }
County of _____ } ss.

I HEREBY CERTIFY That I served the within Subpoena on the 8th day of March, 1975, on Emil Bladow being the witness named in said Subpoena, at the County of _____, by showing the original to Emil Bladow said witness personally, and informing ? of the contents thereof. Portland P.D.

Dated _____, 19____.

Fees ..... $_____
Service ..... $_____
Mileage ..... $_____

Det. Carl Hewett

Case No. 2165 Inst. No. 33
Filed 11:55 A.M. _____ P.M.

MAY 16 1975

J. W. CRUTCHER, CLERK
By _____ Deputy

ROBERT H. REMAKLUS
P.O.Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO, Plaintiff,	Criminal No. 2165
vs.	STATE'S FOURTH RESPONSE
THOMAS EUGENE CREECH, Defendant.	TO DISCOVERY ORDER

Pursuant to Defendant's Motion for Discovery and Order thereon dated April 2, 1975, the following information has been furnished on this date to Ward Hower, Public Defender, Attorney for the defendant Thomas Eugene Creech, to wit:

1. Notes of interview with Lorin G. Beals, Toxicologist at St. Alphonsus Hospital, Boise, Idaho, disclosing results of blood and urine screenings of victims.

2. Photographs of death scene, taken by Investigator Wesley Woodall.

The foregoing objects may be inspected and copied by counsel for defendant at the Valley County Sheriff's office any time during regular office hours.

Dated this 16th day of May, 1975.

Robert H. Remaklus
Prosecuting Attorney

Receipt of copy of State's Fourth Response to Discovery Order acknowledged this 16th day of May, 1975.

Ward Hower
Attorney for Defendant

Lorin G. Beals

1. Name: Lorin Beals
2. Present Position: Toxicologist at St. Alphonsus Hospital, Boise.
3. Employed since: June 1970
4. Education: Chemistry, Bio-chemistry, Toxicology
5. Present with Dr. Scott at the time autopsies were performed on Bradford and Arnold.
6. Dr. Scott at the time of the autopsies provided Beal with a blood sample drawn from the heart of each victim and urine samples taken from the bladder of each victim.
7. Beals screened the blood samples for alcohol and drugs.
8. The result of the screen tests of the blood for drugs was negative.
9. The screen test of the blood for alcohol showed Bradford at 0.14 grams per 100 cc. of blood; Arnold 0.195 grams per 100 cc. of blood.

NOTE: The blood alcohol test performed by Beals is on the same scale used by the State for driving under the influence cases where .08 is considered under the influence under Idaho State law.

NOTE: The hallucinogenic drugs are not detectable under Beals type of tests, nor would marijuana be detected.

10. Beals has performed approximately 200 of these types of tests.

NOTE: Bud Mason, Department of Law Enforcement Investigator, asked Beals for a blood typing during the latter part of April 1975. Beals was unable to make a typing because of the decomposition of the blood protein.

NOTE: Bio-chemistry is the study of living organisms.

NOTE: Toxicology is the study of noxious agents and their effects.

Case No. 2165 Inst. No. 33
Filed _____ A.M. 4:00 P.M.

MAY 19 1975

J. W. CRUTCHER, CLERK
By _____ Deputy

ROBERT H. REMAKLUS
P.O.Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant.	Criminal No. 2165 STATE'S FIFTH RESPONSE TO DISCOVERY ORDER

Pursuant to Defendant's Motion for Discovery and Order thereon dated April 2, 1975, the following information has been furnished on this date to Ward Hower, Public Defender, Attorney for the defendant Thomas Eugene Creech, to wit:

Laboratory Report of Ann R. Bradley, Forensic Chemist dated April 28, 1975, photocopy of which is attached hereto.

Dated this 19th day of May, 1975.

Robert H. Remaklus
Prosecuting Attorney

Receipt of copy of State's Fifth Response to Discovery Order acknowledged this ~~19th~~ 19th day of May, 1975

Ward Hower
Attorney for Defendant

IDAHO DEPARTMENT OF HEALTH AND WELFARE
LABORATORY SERVICES SECTION
Forensic Laboratory
2120 Warm Springs Avenue
Boise, Idaho 83702
Telephone 208 384-2231

May 15, 1975

LAB. NO. 8013

CASE 1835

On April 28, 1975, at 1645 hrs., Bud Mason of the Dept. of Liquor Law and Criminal Investigations delivered to this laboratory two large evidence envelopes. They were placed in the safe prior to analysis.

Case No. 1835 City N.A. Date 4/28/75 Agency Requesting Analysis Valley County Prosecutor Defendant Thomas Eugene Creech

L A B O R A T O R Y

On May 7, 1975, at 1625 hrs., I began the analysis on this case.

Envelope #1 Enclosed was a piece of grey cardboard of irregular shape. It had brown streaks and patches of brown solid material on it.

Envelope #2 Enclosed was a clear plastic envelope with pieces of dried dark brown solid, shiny material.

Tests Used: Benzidine test for blood
Immunodiffusion for species
Lattes crust for ABO group
Adsorption-elution for ABO group

Conclusion: I examined this evidence using the tests listed and concluded that the material on the cardboard in Envelope #1 was very probably blood, but the species origin and A,B,O group could not be determined. Envelope #2 contained human blood, group A.

I replaced the remainder of this evidence in the respective envelopes and resealed them.

STATE OF IDAHO }
County of Ada } s. s.

On this date, before me, Ann R Bradley who is known to me to be the person whose signature is affixed to this document has subscribed and sworn to the foregoing laboratory report to be accurate and true to the best of his knowledge.

Maria Neumann
Notary Public for the State of Idaho
My Commission Expires 2-30-77

Ann R Bradley
ANN R. BRADLEY, Forensic Chemist/kg

Case No. _____ Inst. No. 35
Filed _____ A.M. 4.30 P.M.

MAY 19 1975

J. W. CRUTCHER, CLERK
By _____ Deputy

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270
PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

APR 1975
RECEIVED
VALLEY COUNTY
SHERIFF'S
OFFICE

RECEIVED
ADA COUNTY SHERIFF
MAY 14 1975
A.M. P.M. 1.00
CIVIL DIVISION
BOISE, IDAHO

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO, Plaintiff,
vs.
THOMAS EUGENE CREECH, Defendant.

CASE NO. 2165

SUBPOENA—Criminal

THE STATE OF IDAHO

To GENE HAWKER

YOU ARE COMMANDED To appear before the District Court of the 4th Judicial District, in and for the County of Valley, at the court room in the Court House, in Cascade in said County, on the 20th day of May, 1975 at 10:00 o'clock A. M., as a witness in a criminal action prosecuted by the State of Idaho, against THOMAS EUGENE CREECH

Given under my hand this 11 day of April, 1975.

J. W. CRUTCHER
Clerk
By _____
Deputy

STATE OF IDAHO, }
County of Ada } ss.

I HEREBY CERTIFY That I served the within Subpoena on the 15th day of May, 1975, on GENE HAWKER being the witness named in said Subpoena, at the County of Ada, by showing the original to GENE HAWKER said witness personally, and informing him of the contents thereof.

Dated May 16, 1975

Fees ..... $ _____
Service ..... $ _____
Mileage ..... $ _____

E. C. PALMER, Sheriff
Ada County, Idaho
By Larry Quinton
Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF XXX VALLEY

HON. J. RAY DURTSCHI — MAY — Term 19 75

District Judge

May 19, 1975

Date

COURT MINUTES

The State of Idaho
Plaintiff -
vs
Thomas Eugene Creech

No. CR V.C. 2165

Defendant -

MURDER IN THE FIRST DEGREE

Appearances:

Robert Remaklus — Counsel for State
Prosecuting Attorney

Lynn E. Thomas
Deputy Attorney General

Ward Hower — Counsel for Defendant
Public Defender

Defendant present and appearing in custody of the Valley County Sheriff

4:45 p.m., Court informed counsel and defendant of two letters received from defendant re/obtaining new counsel.

Statement by Defendant.

The Court denied defendant request for new counsel.

Statement by Counsel for State re/defendants' ability to proceed with trial and requested Court admonish defendant if he takes the witness stand not to inform jury of incompetent counsel.

Court denied request.

5:15 p.m., Court in recess.

Reporter: John Gambee — Approved by:

Clerk: marya

Dated: May 19, 1975

District Judge

March 31, 1975
Monday

Honorable Sir,

I would like to have a hearing on getting new defense counsel appointed to me. Ward Howe is my present attorney right now. He's a Public Defender, from Valley County. The only time I have saw him is at court, which the last time was Jan, 8th 1975. I don't know what is happening on my case + I don't even have a copy of my charges. On one occasion Ward told me if I wasn't convicted of first degree murder that him + prosecutor Richardson was going to put a bill in front of the legislature, so I could be given a natural life sentence with no parole on 2nd degree murder. Any thing you can do I will appreciate very much. But all these things should be grounds for new defense.

Respectfully
Tom Crutch

April,23,1975

Dear Sir,

I have written to you several times trying to get a hearing for a new lawyer. The lawyer that I have now is Ward Mower from Valley county. Sir, he is prejudice against my case and me personaly. He hasn't done anything for me at all since I've been here. In fact I've only seen him about five times and that was in court three of those five times. He has also stated to me that he will not try to keep me from getting sent to other states. I'd really arrpeciate it if you can help me.

Respectfully,

Thomas E. Creech

Thomas E. Creech

ROBERT H. REMAKLUS
P.O.Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

Case No. _____ Inst. No. _____
Filed 9:50 A.M. _____ P.M.

MAY 20 1975

J. W. CRUTCHER, CLERK
By Pauline M. Bison Deputy.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO, Plaintiff,

vs.

THOMAS EUGENE CREECH Defendant.

SUBPOENA—Criminal

THE STATE OF IDAHO

To OWEN KRAHN

YOU ARE COMMANDED To appear before the District Court of the 4th Judicial District, in and for the County of VALLEY, at the court room in the Court House, in CASCADE in said County, on the 20th day of MAY, 1975 at 10:00 o'clock A. M., as a witness in a criminal action prosecuted by the State of Idaho, against THOMAS EUGENE CREECH

Given under my hand this 20th day of May, 1975.

SEAL

J. W. CRUTCHER, CLERK
By S/Pauline M. Bisom Clerk
Deputy

STATE OF IDAHO, }
County of Valley } ss.

I HEREBY CERTIFY That I served the within Subpoena on the Owen Krahn day of May 20, 1975, on _____ being the witness named in said Subpoena, at the County of Valley, by showing the original to Owen Krahn said witness personally, and informing him of the contents thereof.

Dated May 20th, 1975.

Fees .....$_____
Service .....$_____
Mileage .....$_____

By A Dale
Constable

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270
PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

RECEIVED
MAY 1 1975
BY MAIL
DIRECTOR'S
OFFICE
MULT. CO. DRL

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO, Plaintiff,
vs.
THOMAS EUGENE CREECH Defendant.

CASE NO. 2165

SUBPOENA—Criminal

THE STATE OF IDAHO

To EDWARD M. COLBACH, M. D.

YOU ARE COMMANDED To appear before the District Court of the 4th Judicial District, in and for the County of Valley, at the court room in the Court House, in Cascade in said County, on the 20th day of May, 1975, at 10:00 o'clock A. M., as a witness in a criminal action prosecuted by the State of Idaho, against THOMAS EUGENE CREECH

Given under my hand this 15th day of April, 1975.

J. W. CRUTCHER
Clerk
By P Remaklus
Deputy

STATE OF IDAHO, }
County of _____ } ss.

I HEREBY CERTIFY That I served the within Subpoena on the _____ day of _____, 19____, on _____ being the witness named in said Subpoena, at the County of _____, by showing the original to _____ said witness personally, and informing _____ of the contents thereof.

Dated _____, 19____.

Fees .....$_____
Service .....$_____
Mileage .....$_____

_____
_____

AFFIDAVIT OF SERVICE,

2165

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO

vs.

THOMAS EUGENE CREECH

Case No. _____ Inst. No. 36

Filed _____ A.M. 1:20 P.M.

MAY 22 1975

J. W. CRUTCHER, CLERK

By Pauline M. Broome Deputy.

STATE OF OREGON, }
Multnomah County, } ss.

I, V.. Larson, being first duly sworn, upon my oath depose and say:

That I am, and at all of the times hereinafter mentioned was, a duly and regularly appointed, qualified and acting Deputy Director Department of Public Service of Multnomah County, State of Oregon, and authorized by law to serve process in said county and state; that I am, and at all of the times mentioned was, a citizen of the United States and of the State of Oregon, a resident of the City of Portland, county and state aforesaid, over the age of twenty-one years, not a party to, nor interested in, the within entitled action, nor related to any party thereto, and competent to be a witness herein:

That I received the Subpoena copies of the [redacted] for service in the above-entitled court and cause on the 1st day of May, 1975

That I served the said Subpoena in the above-entitled court and cause on the 15 day of May, 1975 at [redacted] in Multnomah County and State of Oregon on the [redacted] witness

Edward M. Colbach, M.D.

by then and there delivering to and leaving with

Edward M. Colbach, M.D.

personally and in person, a copy of the said Subpoena

V. Larson

Subscribed and sworn before me this 20th day of May

Joan Van Vactor

Notary Public for Oregon, residing at Portland
My commission expiring October 6, 1978

5-20

Case No. _____ Instr. No. 52
Filed _____ A.M. 2:34 P.M.

MAY 22 1975

J. W. CRUTCHER, CLERK
By Barbara M. Brown Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO,

Plaintiff,

vs

THOMAS EUGENE CREECH,

Defendant.

Case No. 2165

MOTION AND ORDER FOR CONFINEMENT IN IDAHO COUNTY JAIL

* * *

COME NOW, Derold E. Lynskey, Sheriff of Valley County, Idaho and moves this Honorable Court for an order confining the above named defendant, Thomas Eugene Creech, in the Idaho County, Idaho, Jail pending final determination of this action upon the ground and for the reason that it is for the safety and to the best interests of such defendant;

That such Sheriff is possessed of certain information which leads him to believe that an attempt may be made upon the life of such defendant by third persons, thereby endangering the lives and well being of the general public, and specifically Courthouse employees of Valley County, Idaho, and the Sheriff's Department;

WHEREFORE, such Sheriff prays that such an order be made and that such order shall provide for transportation of said defendant between the Idaho County Jail and any locations required in the further prosecution of this action.

DATED this 22d day of May, 1975.

Derold E. Lynskey
Sheriff of Valley County, Idaho

O R D E R

Upon reading and filing the foregoing Motion and good cause appearing therefor,

IT IS HEREBY ORDERED that the above named defendant, Thomas Eugene Creech, shall be confined in the Idaho County, Idaho, jail during the pendency of this action and that the Sheriff of Valley County, Idaho, is hereby ordered to transport such defendant between the Idaho County Jail and any locations required in the further prosecution of this action.

DATED this 22d day of May, 1975.

DISTRICT JUDGE

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF ~~ADA~~ VALLEY

HON. J. RAY DURTSCHI
DISTRICT JUDGE

MAY Term 19 75

May 20, 1975
Date

COURT MINUTES

The State of Idaho
Plaintiff,
vs
Thomas Eugene Creech
Defendant.

No. V.C. CR 2165

MURDER IN THE FIRST DEGREE (I.C. 18-4001)and (18-4003) Felony

Appearances:

Robert Remaklus — Counsel for State
Prosecuting Attorney

Ward Hower — Counsel for Defendant
Public Defender

Defendant present and appearing in custody of the Valley County Sheriff.

10:00 a.m., Time scheduled for trial in above entitled case. Counsel and defendant present.

In absence of Jury Panel, Counsel for defendant objected to Deputy Prosecuting Attorney, Mr. Lynn Thomas, of State of Idaho, assisting in trial for County Prosecutor.

Court overruled defendant's objection.

Counsel for defendant moved for assistant public defender and moved for vachting trial for 30 days to familize counsel with trial.

Court denied defendant's motion and limited Mr. Thomas to consulting only.

10:30 a.m., Jury entered Court Room.

Roll call of 93 jurors, with all present except Patricia J. Borchardt and Edith Wilkerson, Steven Thomas, Matt Luoma, Thelma Jarvis who were not served and Alfred Nitzel who was excused by Court. Two jurors, Joan Carter and Hazel Yokem were present but names were not on the Jury list.

All jurors sworn on voir dire. Prosecuting Attorney made a statement for the purpose of voir dire and introduced Counsel and Court personnel.

The Court advised the defendant that if he desired to challenge any juror, he must do so before the jury is sworn to try the case.

Before names were drawn from the jury box, the Court admonished the full jury panel and excused them to remain at the V.F.W. Hall until name is drawn.

10:55 a.m., Jury excused.

In absence of the jury panel the Court informed Counsel and defendant that four newspaper articles which are hereby made a part of the record, three of which

appeared on May 18, 19, 20, 1975, immediately prior to the trial were highly prejudicial and inflammatory, contained incriminating matters that would be inadmissible in evidence, and seriously threaten to affect the outcome of the trial; and that the Court is of the opinion that there is a significant possibility that individual jurors will be ineligible to serve because of exposure to this material. Therefore the Court on its own motion will require that examination of each juror with respect to his exposure to pre-trial publicity shall take place outside the presence of other prospective jurors. Counsel for defendant concurred and joined in requesting the proposed procedure. No objection by Counsel for the State.

The Clerk drew the following jurors from the jury box and each such juror was examined as to exposure to pre-trial publicity out of the presence of other prospective jurors:

Wray Simmons examined and excused for cause.
Dorothy M. Basy, examined.
Earl F. Dodds, examined.
Jack Yensen, examined.
Helen Hardin excused for cause and directed to report June 5, 1975 at 10:00 a.m., for further jury duty.
Thelma Evans excused for cause and directed to report June 5, 1975 at 10:00 a.m., for further jury duty.
Icle Lewis, examined.

12:10 p.m., Patricia J. Borchardt entered Court room and sowrn on voir dire. Court admonished and excused this juror to report to the V.F.W. Hall.

12:15 p.m., Court in recess for NOON. Court to reconvene at 1:15 p.m., this date.

1:25 p.m., Court reconvened. All present.

Patricia J. Borchardt excused for cause and directed to report June 5, 1975 at 10:00 a.m., for further jury duty.
Sandra K. Durk examined.
John Durbin excused for cause and directed to return June 5, 1975 at 10:00 a.m., for further jury duty.
John R. Laur excused for cause and directed to return June 5, 1975 at 10:00 a.m., for further jury duty.
Clifford Roberts excused for cause and directed to report June 5, 1975 at 10:00 a.m., for further jury duty
J. H. Johnson examined.
Roy O. West excused for cause and directed to report June 5, 1975 at 10:00 a.m., for further jury duty.
Shirley Brown examined.
Carolyn Sien examined.
Claude Williams excused for cause and directed to report June 5, 1975 at 10:00 a.m., for further jury duty.
Fred A. Clazacorta excused for cause and directed to report June 5, 1975 at 10:00 a.m., for further jury duty.
Duane Allen examined.
Shirley G. Allen examined.
Chester Matthews excused for cause and due to health problems was excused permanently.
Beth Phillips excused for cause and directed to report June 5, 1975 at 10:00 a.m., for further jury duty.
Sharon Gibbens examined.
Wilma Murphy examined.
Martha Noyes drawn, but not examined.

2:50 p.m., Brief recess.

3:10 p.m., Court reconvened. All present.

Martha Noyes name slip previously drawn but not examined was replaced in jury box.

The following twelve jurors were examined on further voir dire for cause:

(1) Dorothy Basy (2) Ealr Dodds (3) Jack Yensen (4) Isle Lewis (5) Sandra Durk (6) J. H. Johnson (7) Shirley Brown (8) Carolyn Sien (9) Duane Allen (10) Shirley Allen (11) Sharon Gibbens (12) Wilma Murphy

4:05 p.m., Court admonished and excused jury panel for brief recess.

4:15 p.m., Court reconvend. All present.

In absence of jury panel peremptory challenges proceeded as follows with replacement jurors being examined for cause out of the presence of other prospective jurors:

Juror #8, Carolyn Sien challenged as State's 1st peremptory challenge. (Cindy R. Smith drawn as replacement.)

Juror #4, Icle Lewis challenged as defendant's 1st peremptory challenge. (Jeannette M. Seetin drawn as replacement.)

Juror #4, Jeannette Seetin excused for cause and directed to report June 5, 1975 at 10:00 a.m., for further jury duty. (Donald L. Fuller drawn as replacment.)

Juror #4, Donald L. Fuller excused for cause and directed to report June 5, 1975 at 10:00 a.m., for further jury duty. (Hazel Yoken drawn as replacement.)

Juror #4, Hazel Yoken excused for cause and for personal hardship was excused permanently.

5:04 p.m., All jurors and panel returned to Open Court Court advised jury that panel had not been completed and admonished panel and excused them until 9:30 a.m., May 21, 1975.

5:10 p.m., Edith P. Wilkerson sworn on voir dire at this time and was admonished by Court.

In absence of jury panel, Counsel for State requested information re/proceedure.

5:15 p.m., Court in recess.

Court excused George Takeuchi and Gary D. Young because of their involvement with transportation of evidence in case.

REPORTER: John Gambee

CLERK: marya

DATE: May 20, 1975

APPROVED:

District Judge

Judge Refuses Creech Request for New Attorney on Eve of Trial

By KEN MATTHEWS
The Idaho Statesman

A request for a change of attorney by Thomas Eugene Creech was rejected Monday by Fourth District Judge J. Ray Durtschi, according to the public defender Creech sought to replace.

Ward Hower, Cascade, said the decision was made at a special hearing conducted at an undisclosed location, with Creech present.

Hower is the solitary public defender for Valley County, where Creech faces trial beginning this morning on two first degree murder charges.

The secrecy surrounding Monday's proceeding is known to be part of a larger plan, which includes the posting of armed guards at Cascade, to insure the safety of protagonists in the murder trial.

According to Hower, Durtschi found no reason why Creech did not have adequate legal representation. Added the man who will defend Creech, "I feel perfectly competent."

Sources earlier have told The Idaho Statesman Creech submitted a letter to the court seeking Hower's removal several weeks ago.

Also at Monday's hearing, Valley County Prosecutor Robert Remaklus asked the court to rule on entry of an order on whether Creech was able to aid and assist his counsel in his defense.

Judge Durtschi ruled a state law hearing on such an entry was not applicable.

Appointed at an earlier date by the court to perform a psychiatric examination was Boise psychiatrist Dr. Michael Estess. While the finding by Estess is not known, sources say the psychiatrist has completed the evaluation.

The defendant is accused of the shotgun slayings Nov. 5 of John Wayne Bradford, 40, formerly of Brownsboro, Ala., and Edward Thomas Arnold, 34, formerly of Lancaster, Tex.

Bodies of the two men were found covered with blankets and dirt Nov. 6 in a ditch beside Highway 44 near Donnelly. Creech and his girlfriend, Carol Spaulding, Lewiston, were apprehended Nov. 8 at Glenns Ferry.

Creech also is charged with a murder in Portland and another at Salem, Ore. He is known to have implicated himself in other murders, including one near Baggs, Wyo., and another near Las Vegas.

One key witness at the trial at Cascade is expected to be Creech's girlfriend. Miss Spaulding, now 18, earlier had been charged along with Creech in the Idaho murders.

Those charges later were reduced, and Miss Spaulding was convicted as an accessory and sentenced to two years at the Idaho State Penitentiary.

She is being transported back to Idaho from Nevada, where all women prisoners at the Idaho prison were transferred, due to inadequate space.

The girl is about eight months pregnant.

Creech Murder Trial Begins Tuesday in Cascade

By KEN MATTHEWS
The Idaho Statesman

Thomas Creech goes on trial Tuesday on two counts of murder after sitting for the past several months in an Ada County jail cell where he spent hundreds of hours talking to police officials about murders throughout the west.

Creech is charged with the slayings of two men last November. The partially-buried bodies were discovered Nov. 6 in a ditch near Donnelly in Valley County. The trial will take place in the county seat of Cascade.

The murder victims were identified as John Wayne Bradford, 40, formerly of Brownsboro, Ala., and Edward Thomas Arnold, 34, formerly of Lancaster, Texas.

Creech, 24, and his girlfriend, Carol Spaulding, who then was 17, were captured Nov. 8 at Glenns Ferry after an areawide police alert broadcast their descriptions.

When Glenns Ferry policeman Jim Hill spotted Creech, Miss Spaulding, and another man three days later, they hesitated when they saw him, and then ran off. The police officer detained them after the girl returned to the restaurant where they were spotted to buy coffee.

Both Creech and Miss Spaulding initially were charged with the Idaho murders.

Murder charges against Miss Spaulding later were dropped and she pleaded guilty of a felony accessory charge.

Miss Spaulding is expected to be a key witness at the Cascade murder trial.

Word of Creech's arrest brought an immediate request from Oregon officials, who said he was also wanted for the murders of an Astoria man and a Salem grocery clerk.

Portland police said Creech had been a sexton at the St. Mark's Episcopal Church there, but had disappeared im-

Thomas Creech

mediately after the shootings of William James Dean of Astoria and Sandra Jane Ramsamoog of Salem.

Less than two weeks after his arrest, Creech was transferred from Cascade to the Ada County Jail in Boise, where he was placed in the custody of Sheriff E. C. Palmer.

In the weeks that followed, Palmer reportedly received several contacts from other law enforcement officers who were seeking information about unsolved murders in their areas.

Based on a tip from Creech, the body of Gordon Lee Stanton, 44, Las Vegas, was unearthed on the desert Nov. 26 along U.S. 95 near Mercury, Nev. Las Vegas authorities began investigating the possibility the slaying had been a murder contract.

Later, they discounted the possibility of a hired killing, even though Stanton had been a union organizer, and had attempted to unionize Las Vegas casino employes.

On Feb. 15, sheriff's deputies in Wyoming unearthed another body on a reported tip from Creech, this time about eight miles north of Baggs at a spot called Cottonwood Draw. The victim later was identified as Riogley Stewart McKenzie, 22.

A curtain of official silence then fell over the Creech case, despite rumors that Creech's involvement in additional murders was being investigated.

The official "no comment" was broken May 5 when Sheriff Palmer called a news conference to announce an airplane with Creech aboard had crash-landed two days before near Squaw Valley, Nev., during a flight to California where officials were looking for bodies in an abandoned mineshaft.

All aboard were unharmed, but had a narrow escape during the landing.

Palmer said the party had searched for eight bodies in an area "honeycombed with mines," but had been unsuccessful. He said he felt bodies are buried somewhere in the area.

The sheriff admitted the airplane trip with Creech was not the first such mission undertaken, although he said it might well be the last.

The trial before Fourth District Judge J. Ray Durtschi is expected to last more than a week.

5/19/75

Prosecutor Expects Difficult Job in Creech Trial

By TIM WOODWARD
The Idaho Statesman

CASCADE – This village of 833 residents is the kind of place visitors from large cities might call a sleepy, mountain town. Its winter slumber, however, is about to end.

Activity is quickening in preparation for the annual fishing derby next weekend. A $500 prize will be given to the fisherman who catches the largest trout or koho salmon.

Competing for attention with the fishing derby is an event unusual for Cascade – the double murder trial of Thomas Eugene Creech.

The trial, which begins Tuesday, is expected to attract a small army of security officers, reporters and interested on-lookers.

The deaths of Edward Arnold and John Bradford were the first murders in Valley County in 27 years, according to County Prosecutor Robert H. Remaklus.

Remaklus, who describes his position as "a full-time job with part-time pay," says the Creech case may be the most difficult he has ever prosecuted.

Judy Judy

"It's going to be a difficult grind," he said. "We have a story to tell and it'll be tedious to get it all told."

Remaklus wants the trial to be over by next weekend, when the fishing derby gets underway.

"It's not fair to the jurors or the defendant to have a three-day (Memorial Day weekend) break," he said.

A key to how long the trial will last is the amount of time it takes to empanel 14 Valley County residents for a jury (12 jurors and two alternates).

Although Remaklus is confident a jury can be assembled within two days, others aren't so sure. One is County Sheriff Derrold Lynskey.

Asked how the residents of Cascade feel about Creech, the sheriff replied, "That's why it's gonna' be hard to get a jury."

Lynskey is one person in Cascade who isn't doing much slumbering these days. His is the unenviable task of maintaining security during the trial, and the job has him worried.

"I don't sleep nights," he said. "I sleep two or three hours, then get up and come down to the office. There's no reason to be here, but all I can think about is the office. When you get right down to it, I think it all comes back to this Creech thing. I'll just be glad when it's all over."

The sheriff said news stories saying Creech was transferred to the Ada County jail because the one in Cascade "wouldn't hold him" are wrong. Lynskey needed to hire a 24-hour guard at Cascade, so instead he opted to pay

Ann Marie Huntington

Ada County a $5-a-day boarding fee, he said. The jail in Ada County is guarded 24 hours a day as normal procedure.

Lynskey won't say where Creech will be kept during the trial, or where Fourth District Judge J. Ray Durtschi of Boise will stay during the proceedings.

He is equally tight-lipped about courtroom security precautions, except to say the courtroom will be strictly guarded and access tightly limited to those who have advance permission to attend the trial.

The courtroom seats an audience of 50 to 60 people. A fair share of those seats presumably will be occupied by reporters.

Cascadians' thoughts about the trial vary.

"Everybody's talking about it," said one man. "Personally, I think they otta' take Creech out and shoot him."

Ann Marie Huntington said she "didn't really know anything about it . . . About all that ever happens in Cascade is a good bar brawl."

Judy Judy said "a lot of people are interested in the trial, especially in being on the jury." She said she thought it would be difficult to find an unbiased jury.

Jim Godfrey said no one in Cascade is "too awful pleased with his (Creech's) actions," but saw no difficulty in finding a jury.

Diana Simpson said everyone in Cascade is excited about the trial.

Why?

"Well, not much happens in Cascade. Something like this is pretty big news around here."

Jim Godfrey

Several people questioned on the streets of Cascade did not comment because they said they didn't know much about the Creech affair.

A local bartender, however, said Creech was a topic of "common conversation" among his clientele.

One man said he hadn't had time to follow the case.

"I'm more interested in fishin'," he said. "That's the big thing around here."

On Trip to Hunt Bodies

Creech Plane Crash Lands

By KEN MATTHEWS
The Idaho Statesman

Ada County Sheriff E. C. "Chuck" Palmer said Monday an airplane with multiple murder suspect Thomas Eugene Creech aboard crash landed Sunday at Squaw Valley, Nev.

Palmer said the airplane trip which preceded the crash had been to a mining area near Bakersfield, Calif., where eight bodies of homicide victims allegedly are buried.

No one was injured in the crash landing, the sheriff said.

Palmer also acknowledged for the first time that Creech, 24, had been transported from the Ada County jail on previous occasions in attempts to locate bodies of murder victims in other states.

The Bakersfield, Calif., airplane trip, which commenced Friday, was at the request of the Bakersfield Sheriff's Department, and included two days of futile search through mineshafts, Palmer said.

Palmer said the airplane was forced down through cloud cover at 14,500 feet, and a crash landing became necessary when Sgt. Tom Taylor of the Ada County Sheriff's Department, quit breathing.

"It was either put it down where we could work on him, or let him die," Palmer said.

Creech did not make any attempts to escape during the incident and is safely back in custody at the Ada County jail, the sheriff added.

The murder suspect is charged with the deaths of two travelers Nov. 5 near Donnelly, and comes to trial May 20 at Cascade on two charges of first degree murder.

Creech also has been charged with a murder in Portland and another at Salem, Ore.

Other information from Creech has led to the unearthing of bodies near Baggs, Wyo., and Las Vegas, Nev.

Palmer said Monday he was convinced there are eight bodies near Bakersfield where Creech said there are eight bodies. Questioned by newsmen, however, he said only three of the persons allegedly buried have been listed as missing.

When asked whether Creech claimed to have killed the eight persons allegedly buried in the mines, Palmer said, "They were not all his . . ."

He refused, however, to name other persons implicated.

He also refused to identify how many persons Creech claims to have killed in total, calling such a figure "pure speculation" at this point in investigations.

As to Creech's alleged motive, Palmer said there was "a lot of narcotics involved," but when pressed by newsmen, he would say nothing further.

Palmer said the area where searches were conducted over the weekend was "honeycombed with mines," which all were "quite alike." He also said there are "many cave-ins" in the area.

"I feel like there probably are bodies there," he said.

The sheriff said Bakersfield authorities are continuing the search.

Palmer said the airplane was flying over a mountain range in Nevada when Taylor, the deputy, "ran out of oxygen." He said it was necessary to land in a valley, rather than attempt to negotiate another range of mountains.

The plane was a Cessna 210 with six seats, and other passengers included an investigator from the Idaho Department of Law Enforcement and pilot Tom Ambrose, Boise.

The sheriff said the only place to land besides the sagebrush was a muddy road covered with puddles, and the pilot also was plagued by crosswinds.

Palmer called it a "fantastic job of flying," even though the plane was "extensively damaged" when its nose flipped up in the air as it landed.

Taylor was pulled to safety and revived, and was reported in good condition Monday in Boise.

Palmer said the party aboard the airplane waited for four hours in the mud before a rescue plane arrived to carry them to safety. He said their location had been known through radio communications.

Asked whether Creech again would be transported out-of-state, Palmer said, "This is probably the last one we will make."

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA VALLEY

HON. J. RAY DURTSCHI

DISTRICT JUDGE

MAY Term 19 75

May 21, 1975

Date

COURT MINUTES

The State of Idaho
vs Plaintiff -
Thomas Eugene Creech

No. CR V C 2165

Defendant -

MURDER IN THE FIRST DEGREE (I.C. 18-4001 and I~~C~~ 4003) Felony

Appearances:

Robert Remaklus
Prosecuting Attorney — Counsel for State

Ward Hower
Public Defender — Counsel for Defendant

9:30 a.m., Further jury trial continued from May 20, 1975. All present. Defendant present and appearing in custody of Valley County Sheriff.

Peremptory challenges proceeded as follows:

(Louise K. Bears drawn as replacement.)

Juror #1, Dorothy M. Basy challenged as State's 2d peremptory challenge. (Shirley Brandenburg drawn as replacement.)

Juror #1, Shirley Brandenburg excused for cause and directed to return June 5, 1975 for further jury duty.
(Mary Lou Droge drawn as replacement.)

Juror #3, Jack D. Yensen challenged as defendant's 2d peremptory challenge. (Robert O. Williamson drawn as replacement.)

Juror #3, Robert O. Williamson excused for cause and directed to return June 5, 1975 for further jury duty.

10:50 a.m., Brief recess.

11:00 a.m., Court reconvened. All present.

(Del Woodward drawn as replacement.)

Juror #8, Cindy R. Smith challenged as State's 3d peremptory challenge. (Patricia Whitaker drawn as replacement.)

Juror #8, Patricia Whitaker excused for cause and directed to return June 5, 1975 at 10:00 a.m., for further jury duty.
(Sharon Corbin drawn as replacement.)

Juror #12, Wilma Murphy challenged as defendant's 3rd peremptory challenge. (William J. Godfrey drawn as replacement.)

Juror #12, William J. Godfrey excused for cause and directed to report June 5, 1975 at 10:00 a.m., for further jury duty.

(Harold Bolt drawn as replacement.)
Juror #4, Louise Bears challenged as State's 4th peremptory challenge.
(Alice Ange drawn as replacement.)

12:15 NOON RECESS. Court will reconvene at 1:15 p.m., this date.

1:18 p.m., Court reconvened. All present. Defendant present and appearing in custody of the Valley County Sheriff.

Juror #6, J. H. Johnson challenged as defendant's 4th peremptory challenge.
(Wesley Knee drawn as replacment.)

Juror #7, Shirley H. Brown challenged as State's 5th peremptory challenge. (Janice Lynn Wilde drawn as replacement.)

Juror #4, Alice Ange challenged as defendant's 5th peremptory challenge.
(Ina Heinrich drawn as replacement.)

1:54 p.m., Baliff informed Court and there were no objections the Court excused Ted Miampa for health reasons.

Juror #4, Ina Heinrich excused for cause and directed to report June 5, 1975 for further jury duty.

2:32 p.m., Brief recess.

2:48 p.m., Court reconvened. All present.

Juror #10, Shirley Allen challenged as State's 6th peremptory challenge.
(Robert Farnsworth drawn as replacment.)

Juror #1, Mary Lou Droge challenged as defendant's 6th peremptory challenge.
(James Madden drawn as replacement.)

Juror #1, James Madden excused for cause and directed to report June 5, 1975 at 10:00 a.m., for further jury duty.
(Jo Anne Cole drawn as replacement.)

Juror #1, Jo Anne Cole excused for cause and directed to report June 5, 1975 at 10:00 a.m., for further jury duty.
(Wilma Ingebretsen drawn as replacement.)

Juror #1, Wilma Ingebretsen excused for cause and directed to report June 5, 1975 at 10:00 a.m., for further jury duty.
(Frank Smalley drawn as replacement.)

Juror #7, Janice Lynn Wilde challenged as State's 7th peremptory challenge.
(Joan Carter drawn as replacement.)

Juror #7, Joan Carter excused for cause and directed to report at 10:00 a.m., June 5, 1975 for further jury duty.

4:04 p.m., Brief recess.

4:14 p.m., Court reconvened. All present.

(Clyde Barlow drawn as replacment.)

Juror #7, Clyde Barlow excused for cause and directed to report June 5, 1975 at 10:00 a.m., for further jury duty.
(Patricia L. Gillet drawn as replacement.)

Juror #5, Sandra Durk challenged as defendant's 7th peremptory challenge.
(Maureen Fuller drawn as replacement.)
Maureen Fuller was excused on stipulation of Counsel.

(Alfred Nitzel drawn as replacement.)

4:49 p.m., Alfred Nitzel sworn on voir dire at this time.

Juror #5, Alfred Nitzel excused for cause and directed to report June 5, 1975 at 10:00 a.m., for further jury duty.
(Betty Gestrin drawn as replacement.)

Juror #5, Betty Gestrin excused for cause and directed to report June 5, 1975 at 10:00 a.m., for further jury duty.
(Ruth Mason drawn as replacment.)

5:05 p.m., Ruth Mason sworn on voir dire at this time and Court admonished juror.

5:19 p.m., Brief recess.

5:43 p.m., Court reconvened. All present.

Jury panel returned to Open Court and there being no objections, after a short recess, Court will continue and reconvene at 6:15 p.m.

5:45 p.m., Court in recess.

6:25 p.m., Court reconvened. All present.

Court informed Counsel that during recess Clifford Fields was excused because of a hearing problem.

State's 8th Peremptory Challenge waived.

Juror #5, Ruth Mason challenged as Defendant's 8th Peremptory Challenge.
(Carol J. Petersen drawn as replacment.)

Juror #5, Carol J. Petersen excused for cause and directed to report June 5, 1975 at 10:00 a.m., for further jury duty.

(Stan Scharen drawn as replacment.)

Juror #5, Stan Scharen excused for cause and was permanently excused from further jury duty because Juror will be out of County.
(Linda Allen drawn as replacment.)

Counsel stipulated and there being no objections Linda Allen was excused and directed to report June 5, 1975 at 10:00 a.m., for further jury duty.

(Bertha Fouch drawn as replacment.)

Juror #5, Bertha Fouch excused for cause and directed to report June 5, 1975 at 10:00 a.m., for further jury duty.
(Sherman Hart drawn as replacment.)

State's 9th Peremptory Challenge waived.

Juror #4, Richard Wheeler challeged as defendant's 9th peremptory challenge.
(David Gehrig drawn as replacment.)

State's 10th peremptory challenge waived.

Juror #1, Frank Smalley challenged as Defendant's 10th peremptory challenge.
(Paul Wilde drawn as replacment.)

The Court found this case to be a protracted case and Counsel stipulated to drawing two alternate jurors at this time.

Matt Wallace drawn and examined as 1st alternate juror.

State's 1st alternate peremptory challenge waived.
Defendant's 1st alernate peremptory challenge waived.

Barbara Hall drawn and examined as 2d alternate juror.

Barbara Hall excused for cause and directed to report June 5, 1975 for further jury duty at 10:00 a.m.
(Luella Snapp drawn as replacement.)

Luella Snapp excused for cause and directed to report June 5, 1975 at 10:00 a.m., for further jury duty.
(William Davis drawn as replacment.)

William Davis excused for cause and directed to report June 5, 1975 at 10:00 a.m., for further jury duty.
(Betty Stockton drawn as replacement.)

Betty Stockton excused for cause and directed to report June 5, 1975 at 10:00 a.m., for further jury duty.
(Larry Bouck drawn as replacement)

Larry Bouck excused for cause and directed to report June 5, 1975 at 10:00 a.m , for further jury duty.
(Arnold Branden drawn as replacement)

State's 2d alternate peremptory challenge waived.
Defendant's 2d alternate peremptory challenge waived.

8:30 p.m., Jury panel returned into open court

The following jurors were seated to serve on this case:

(1) Paul Wilde (2) Earl Dodds (3) Del Woodward (4) David Gehrig
(5) Sherman Hart (6) Wesley Knee (7) Patricia Guillet
(8) Sharon Corbin (9) Diana Allen (10) Robert Farnsworth
(11) Sharon Gibbens (12) Harold Bolt

First Alternate - Matt Wallace
Second Alternate - Arnold Branden

The Clerk drew the following seven names to report for further jury duty June 5, 1975, at 10:00 a.m.

(1) Agnes Rowland (2) Jay Sims (3) Beverly Ingraham
(4) Renee Yelton (5) Arthur Hoffman (6) Cynthia Coash
(7) Clifford

The remainder of the panel were then excused.

8:45 p.m., The Court admonished and excused jury and directed them to report at 10:00 a.m., May 22, 1975 for further jury trial

In absence of the jury counsel for defendant moved for change of venue.

Argument

The Court took this matter under advisement and continued hearing to 9:00 a.m., May 22, 1975.

Counsel for State questioned and Court informed Counsel that this trial is open to the public.

9:00 p.m., Court in recess.

REPORTER: John Gambee
CLERK: marya
Date: May 21, 1975

APPROVED BY

District Judge

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

HON. J. RAY DURTSCHI — MAY — Term 1975

District Judge

May 22, 1975

Date

COURT MINUTES

The State of Idaho

Plaintiff -

vs

Thomas Eugene Creech

Defendant -

No. V.C. 2165

MURDER IN THE FIRST DEGREE (I.C. 18-4001 and 18-4003) Felony

Appearances:

Robert Remaklus, Prosecuting Attorney — Counsel for State

Ward Hower, Public Defender — Counsel for Defendant

Defendant present and appearing in custody of the Valley County Sheriff.

10:00 a.m., Further jury trial continued from May 21, 1975. All present.

In absence of the jury defendant's motion for change of venue was argued

The Court granted motion for change of venue.

Defendant acknowledged and agreed to later trial date.

Defendant remanded to the custody of the Valley County Sheriff.

Counsel for state made statement re/assistant counsel, and moved for leave to have Mr. Lynn Thomas aid and assist him.

The Court took this matter under advisement.

10:52 a.m., Jury panel returned to Open Court.

Court informed jury that defendant's motion for change of venue had been granted.

Jury panel excused

11:05 a.m., Court in recess.

Reporter: John Gambee — Approved by:

Clerk: marya

Dated: May 22 1975

District Judge

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270
PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

Case No. 2165 Inst. No. _____
Filed _____ A.M. 2:01 P.M.

MAY 30 1975

J. W. CRUTCHER, CLERK
By _____ Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO, Plaintiff, vs THOMAS EUGENE CREECH, Defendant.	CRIMINAL NO. 2165 PETITION AND ORDER FOR SPECIAL ASSISTANT PROSECUTOR

COMES NOW, Robert H. Remaklus, Prosecuting Attorney in and for Valley County, Idaho, pursuant to Section 31-2603(b), Idaho Code, and petitions this Honorable Court for the appointment of Lynn E. Thomas, Deputy Attorney General of the State of Idaho, to assist in the prosecution of the above entitled case now pending in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Valley.

Dated this 12th day of May, 1975.

Robert H. Remaklus
Prosecuting Attorney
Valley County, Idaho

O R D E R

Upon reading and filing the above petition, good cause appearing therefor, the Attorney General concurring herein, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED and this does ORDER that Lynn E. Thomas, Deputy Attorney General of the State of Idaho, is hereby appointed special assistant prosecutor of Valley County, Idaho, to assist in the prosecution of the above entitled action.

Dated this 14th day of May, 1975.

DISTRICT JUDGE

Approved this 15th day of May, 1975.

ATTORNEY GENERAL
STATE OF IDAHO

Case No. 2165 Inst. No. _____
Filed _____ A.M. 2:02 P.M.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

MAY 30 1975
W. CRUTCHER, CLERK
By _____ Deputy

THE STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant.	Case No. Cr. 2165 ORDER TO CLERK RE EXHIBITS

It is the order of this Court that the exhibits marked for identification and lodged with the Clerk prior to the commencement of the trial of this matter be retained by the Clerk of the Court and be safeguarded by him pending further proceedings in this matter and until further order of the Court.

It is further ordered that the Clerk shall not make the exhibits available to any person or agency except upon order of this Court.

Dated this 22nd day of May, 1975.

District Judge

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

Case No. 2165 Inst. No. _____
Filed _____ A.M. 2:05 P.M.

MAY 30 1975

J. W. CRUTCHER, CLERK
By Paula M. Quinn Deputy

THE STATE OF IDAHO, Plaintiff,	Case No. Cr. 2165
vs.	ORDER RE PUBLICITY
THOMAS EUGENE CREECH, Defendant.	

Under the Constitution, each defendant is entitled to the due process of the law and to a fair trial. This Court has an affirmative duty to do everything possible within its Constitutional powers and jurisdiction to make certain that each defendant does receive a fair trial.

In order to fulfill that Constitutional duty to guarantee that the defendant in this case does receive a fair trial, and because extensive pre-trial publicity of matters highly prejudicial to the defendant which would not have been admissible in the trial of the action has already resulted in a trial in this matter being vacated after its commencement and a determination that the venue of the trial must be changed; and it further appearing to the Court that the further dissemination by any means of public communication of any out-of-court statements relating to this case may further interfere with the Constitutional right of the defendant to a fair trial, disrupt the further efforts to conduct a fair trial, and disrupt the proper administration of justice; the Court, on its own motion, will now issue the following orders, a violation

of which will result in any offender within the jurisdiction of this Court being in contempt of court.

It is the order of this Court that no party to this action, nor any attorney connected with this case as defense counsel or as prosecutor, nor any officer or employee of the Court, nor any police officer, sheriff, or law enforcement personnel, nor any agent, deputy, or employee of any such persons, nor any person subpoenaed to testify at the trial of this matter, shall:

1. Release or authorize the release for public dissemination of any purported extrajudicial statement of the defendant relating to this case;

2. Release or authorize the release of any documents, exhibits, or any evidence, the admissibility of which may have to be determined by the Court;

3. Make any statement for public dissemination as to the existence or possible existence of any document, exhibit, or any other evidence, the admissibility of which may have to be determined by the Court;

4. Express outside of the court an opinion or make any comment for public dissemination as to the weight, value, or effect of any evidence as tending to establish guilt or innocence;

5. Make any statement outside of court as to the identity of any prospective witness, or his probable testimony, or the effect thereof;

6. Make any out-of-court statement as to the nature, source, or effect of any purported evidence alleged to have been accumulated as a result of the investigation of this matter;

7. Make any statement as to the content, nature, substance, or effect of any testimony which may be given in any proceeding related to this matter, except that a witness may discuss any matter with any attorney of record or agent thereof.

This order does not include any of the following:

1. Factual statements of the accused person's name, age, residence, occupation, and family status.

2. The circumstances of the arrest, namely, the time and place of the arrest, the identity of the arresting and investigating officers and agencies, and the length of the investigation.

3. The nature, substance, and text of the charges, including a description of the offenses charged.

4. Quotations from, or any reference without comment to, public records of the Court in the case, or to other public records.

5. The scheduling and result of any stage of the judicial proceeding held in open court in an open or public session.

6. A request for assistance in obtaining evidence or the names of possible witnesses.

Further, this order is not intended to preclude any witness from discussing any matter in connection with the case with any of the attorneys representing the defendant or the State, or any representative of such attorneys.

It is further ordered that a copy of this order be attached to any subpoena served on any witness in this matter, and that the return of service of the subpoena shall also include the fact of service of a copy of this order.

This order shall be in force until this matter has been disposed of or until further order of the Court.

Dated this 27th day of May, 1975.

District Judge

In the District Court of the Fourth Judicial District of the State of Idaho, In and For the County of Ada

The State of Idaho
Plaintiff

vs

Thomas Eugene Creech
Defendant

CERTIFICATE OF MAILING NOTICE PURSUANT TO RULE 77 (d) I.R.C.P.

I, Clarence A. Planting, the undersigned authority, do hereby certify that I have mailed, by United States mail, one copy of the ORDER RE PUBLICITY as notice pursuant to Rule 77 (d) I.R.C.P. to each of the attorneys of record in this cause in envelopes addressed as follows:

Sheriff E. C. (Chuck) Palmer
Ada County Courthouse
Boise, Idaho

Hand Delivered

CLARENCE A. PLANTING
CLERK OF THE DISTRICT COURT
Ada County, Idaho

By mary a hill
Deputy Clerk

Case No. _____ Inst. No. 41
Filed _____ A.M. 3:45 P.M.

MAY 30 1975

J. W. CRUTCHER, CLERK
By Virginia McBurney Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO, Plaintiff -vs- THOMAS EUGENE CREECH, Defendant.	Case No. 2165 MOTION AND ORDER FOR CONFINEMENT IN ADA COUNTY JAIL

COME NOW, Derold E. Lynskey, Sheriff of Valley County, Idaho, and moves this Honorable Court for an order confining the above named defendant, Thomas Eugene Creech, in the Ada County, Idaho, Jail pending final determination of this action upon the ground and for the reason that it is for the safety and to the best interests of such defendant;

That such Sheriff is possessed of certain information which leads him to believe that an attempt may be made upon the life of such defendant by third persons, thereby endangering the lives and well being of the general public, and specifically Courthouse employees of Valley County, Idaho, and the Sheriff's Department;

WHEREFORE, such Sheriff prays that such an order be made and that such order shall provide for transportation of said defendant between the Ada County Jail and any locations required in the further prosecution of this action.

DATED this 30th day of May, 1975.

Derold E. Lynskey
Sheriff of Valley County, Idaho

O R D E R

Upon reading and filing the foregoing Motion and good cause appearing therefor,

IT IS HEREBY ORDERED that the above named defendant, Thoms Eugene Creech, shall be confined in the Ada County, Idaho, jail during the pendency of this action and that the Sheriff of Valley County, Idaho, is hereby ordered to transport such defendant between the Ada County Jail and any locations required in the further prosecution of this action.

DATED this 30th day of May, 1975.

District Judge

In the District Court of the Fourth Judicial District of the State of Idaho, In and For the County of ~~Ada~~ Valley

The State of Idaho
Plaintiff

vs

Thomas Eugene Creech
Defendant

CERTIFICATE OF MAILING NOTICE
PURSUANT TO RULE 77 (d) I.R.C.P.

I, Mary A. Hill, the undersigned authority, do hereby certify that I have mailed, by United States mail, one copy of the Order Re Publicity as notice pursuant to Rule 77 (d) I.R.C.P. to each of the attorneys of record in this cause in envelopes addressed as follows:

Ward Hower
Attorney at Law
P. O Box 799
Cascade, Idaho 83611

Sheriff of Idaho County
Gene Fuzzell
County Court House
Grangeville Idaho 83530

CLARENCE A. PLANTING
CLERK OF THE DISTRICT COURT
Ada County, Idaho

By Mary A. Hill
Deputy Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA VALLEY

HON. J. RAY DURTSCHI _____ MAY _____ Term 19 75

District Judge

May 30, 1975

Date

COURT MINUTES

The State of Idaho)
)
vs Plaintiff -) No. CR V.C. 2165
)
Thomas Eugene Creech)

Defendant -

MURDER IN THE FIRST DEGREE

Appearances:

Robert Remaklus — Counsel for State
Prosecuting Attorney

Ward Hower — Counsel for Defendant
Public Defender

Defendant present and appearing in custody of the Valley County Sheriff.

Hearing on defendant's motion for change of venue.

Counsel stipulated to proceedings with hearing without formal notice.

Both Counsel declined tomake any statement regarding new venue.

No statement by defendant.

Court took the matter under advisement.

Defendant requested that he be held in custody, either in Valley or Ada County. Counsel for State objected After discussion with Valley County Sheriff, Counsel for State withdrew his objection and Court granted defendant's request to be held in custody of Ada County Sheriff, and there being no objections by either Counsel, the Court ordered the defendant transferred and directed Counsel to prepare order.

The Court ruled Mr. Lynn Thomas, Deputy Attorney General, could assist Prosecutor of Valley County.

The Court served in Open Court a copy of order re/publicity to Counsel, the defendant and Valley County Sheriff and directed every law enforcement officer that would come in contact with defendant be served a copy of order and informed Counsel that a copy of order re/publicity had been personally served on Sheriff of Ada County by Court.

Reporter: John Gambee Approved by:

Clerk: marva

Dated: May 30, 1975

District Judge

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF ~~XXX~~ VALLEY

HON. J. RAY DURTSCHI — MAY — Term 1975

District Judge

June 9, 1975

Date

COURT MINUTES

The State of Idaho

Plaintiff -

vs

Thomas Eugene Creech

Defendant -

No. V.C. CR 2165

MURDER IN THE FIRST DEGREE

Appearances:

Lynn Thomas, Deputy Attorney General — Counsel for State

Bruce O. Robinson

Ward Hower — Counsel for Defendant

Defendant present and appearing in custody of the Ada County Sheriff

Hearing on Counsel's motion to withdraw.

Upon stipulation of Counsel hearing was scheduled for this date.

Statement by Mr. Hower, Counsel for defendant, re/motion to withdraw from the case.

Defendant stated this was his desire and had no objection and requested Mr. Bruce Robinson be entered as own counsel of record and not appointed by the Court.

Statement by Counsel for defendant, Mr. Robinson. Counsel requested additional time for recommendations for change of venue.

Defendant waived early hearing dates and continued matter to 3:30 p.m., June 30, 1975. There bein no objection by defendant, Counsel stipulated to hearings being held in Ada County

Defendant remanded to the custody of the Ada County Sheriff.

Reporter: John Gambee — Approved by:

Clerk: marya

Dated: June 9, 1975

District Judge

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270
PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

Case No. _____ Inst. No. 38
Filed 6-16 A.M. 3:30 P.M.

JUN 16 1975

J. W. CRUTCHER, CLERK
By Lubini M. Dunn Deputy.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO, Plaintiff,
vs.
THOMAS EUGENE CREECH, Defendant.

CASE NO. 2165

SUBPOENA—Criminal

THE STATE OF IDAHO

To ROY LYNN HULL

YOU ARE COMMANDED To appear before the District Court of the 4th Judicial District, in and for the County of Valley, at the court room in the Court House, in Cascade in said County, on the 20th day of May, 1975, at 10:00 o'clock A. M., as a witness in a criminal action prosecuted by the State of Idaho, against THOMAS EUGENE CREECH

Given under my hand this 11 day of April, 1975.

J. W. CRUTCHER
Clerk
By _____
Deputy

STATE OF IDAHO }
County of _____ } ss.

I HEREBY CERTIFY That I served the within Subpoena on the 9 TH day of MAY, 19 75, on ROY L. HULL being the witness named in said Subpoena, at the County of VALLEY, by showing the original to ROY L. HULL said witness personally, and informing HIM of the contents thereof.

Dated 5/9, 19 75

Fees ..... $
Service ..... $ 1 /
Mileage ..... $

Sam Charteris
Deputy Sheriff

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270
PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

Case No. _____ Inst. No. 39
Filed _____ A.M. 3:31 P.M.

JUN 16 1975

J. W. CRUTCHER, CLERK
By Pauline M. Brum Deputy.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO, Plaintiff,
vs.
THOMAS EUGENE CREECH Defendant.

CASE NO. 2165

SUBPOENA—Criminal

THE STATE OF IDAHO

To JOHNNIE I. HILL

YOU ARE COMMANDED To appear before the District Court of the 4th Judicial District, in and for the County of Valley, at the court room in the Court House, in Cascade in said County, on the 20th day of May, 1975, at 10:00 o'clock A.M., as a witness in a criminal action prosecuted by the State of Idaho, against THOMAS EUGENE CREECH

Given under my hand this 11 day of April, 1975.

J. W. CRUTCHER Clerk
By T. Remaklus Deputy

STATE OF IDAHO, }
County of BOISE } ss.

I HEREBY CERTIFY That I served the within Subpoena on the 7 th day of MAY, 1975, on JOHNIE I. HILL being the witness named in said Subpoena, at the County of VALLEY, by showing the original to JOHNNIE I. HILL said witness personally, and informing HIM of the contents thereof.

Dated 5/7=1975, 19____.

Fees .....$_____
Service .....$_____
Mileage .....$_____

Ross Charters
Deputy Sheriff

RECEIVED
at 11:30 o'clock A.M.
MAY 10 1975

SHERIFF'S OFFICE
CRANGEVILLE IDAHO

ROBERT H. REMAKLUS
P.O.Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

Case No. _____ Inst. No. 40
Filed _____ A.M. 3:32 P.M.

JUN 16 1975

J. W. CRUTCHER, CLERK
By Pauline M. Broom Deputy.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO, Plaintiff,

vs.

THOMAS EUGENE CREECH Defendant.

CASE NO. 2165

SUBPOENA—Criminal

THE STATE OF IDAHO

To JOHN STEWART

YOU ARE COMMANDED To appear before the District Court of the 4th Judicial District, in and for the County of Valley, at the court room in the Court House, in Cascade in said County, on the 20th day of May, 1975 at 10:00 o'clock A. M., as a witness in a criminal action prosecuted by the State of Idaho, against THOMAS EUGENE CREECH

Given under my hand this 5th day of May, 1975.

J. W. CRUTCHER, CLERK
Clerk
By Pauline M. Broom
Deputy

STATE OF IDAHO, } ss.
County of Idaho }

I HEREBY CERTIFY That I served the within Subpoena on the 13th day of May, 1975, on John Stewart being the witness named in said Subpoena, at the County of Idaho, by showing the original to John Stewart said witness personally, and informing John Stewart of the contents thereof.

Dated May 13, 1975.

Fees .....$ None
Service .....$
Mileage .....$

Edgar A. Metcalf Sheriff
By: Elizabeth Cox, Deputy

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270
PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

Case No. _____ Inst. No. 41
Filed _____ A.M. 3:33 P.M.

JUN 16 1975

J. W. CRUTCHER, CLERK
By Cathie M. Brown Deputy.

APR 1975
RECEIVED
VALLEY COUNTY
PROSECUTOR'S
OFFICE

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO,
Plaintiff,
vs
THOMAS EUGENE CREECH
Defendant.

CASE NO. 2165

SUBPOENA—Criminal

THE STATE OF IDAHO

To LESTER KELLEY

YOU ARE COMMANDED To appear before the District Court of the 4th Judicial District, in and for the County of Valley, at the court room in the Court House, in Cascade in said County, on the 20th day of May, 1975, at 10:00 o'clock A. M., as a witness in a criminal action prosecuted by the State of Idaho, against THOMAS EUGENE CREECH

Given under my hand this 11 day of April, 19 75.

J. W. CRUTCHER
Clerk
By R. Remaklus
Deputy

STATE OF IDAHO,
County of _____ } ss.

I HEREBY CERTIFY That I served the within Subpoena on the 12th day of May, 1975, on Lester Kelley being the witness named in said Subpoena, at the County of Valley, by showing the original to Him said witness personally, and informing Him of the contents thereof.

Dated 5-12, 1975.

Fees ..... $ _____
Service ..... $ _____
Mileage ..... $ _____

Martin Jr. Maxwell
Deputy Sheriff Valley County

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270
PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

Case No. _____ Inst. No. 43
Filed _____ A.M. 3:54 P.M.

JUN 16 1975

J. [illegible] Clerk
By Shirlee M. Brown Deputy

APR 1975
RECEIVED
VALLEY COUNTY
PROSECUTING ATTORNEY
OFFICE

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO, Plaintiff,
vs.
THOMAS EUGENE CREECH Defendant.

CASE NO. 2165

SUBPOENA—Criminal

THE STATE OF IDAHO

To BURTON WALKER

YOU ARE COMMANDED To appear before the District Court of the 4th Judicial District, in and for the County of Valley, at the court room in the Court House, in Cascade in said County, on the 20th day of May, 1975, at 10:00 o'clock A. M., as a witness in a criminal action prosecuted by the State of Idaho, against THOMAS EUGENE CREECH

Given under my hand this 11 day of April, 1975.

J. W. CRUTCHER Clerk
By P. Remaklus Deputy

STATE OF IDAHO, } ss.
County of _____ }

I HEREBY CERTIFY That I served the within Subpoena on the 29th day of April, 1975, on Burton Walker being the witness named in said Subpoena, at the County of Valley, by showing the original to Him said witness personally, and informing Him of the contents thereof.

Dated 4-29, 1975.

Fees .....$ _____
Service .....$ _____
Mileage .....$ _____

B Miller Deputy

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270
PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

Case No. _____ Inst. No. 43
Filed _____ A.M. 2:35 P.M.

JUN 16 1975

J. W. CRUTCHER, CLERK
By _____ Deputy.

APR 1975
RECEIVED
VALLEY COUNTY
SHERIFF'S
OFFICE

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO,
Plaintiff,
vs.
THOMAS EUGENE CREECH
Defendant.

CASE NO. 2165

SUBPOENA—Criminal

THE STATE OF IDAHO

To TED NELSON

YOU ARE COMMANDED To appear before the District Court of the 4th Judicial District, in and for the County of Valley, at the court room in the Court House, in Cascade in said County, on the 20th day of May, 1975, at 10:00 o'clock A.M., as a witness in a criminal action prosecuted by the State of Idaho, against THOMAS EUGENE CREECH

Given under my hand this 14 day of April, 1975.

J. W. CRUTCHER
Clerk
By P. Remaklus
Deputy

STATE OF IDAHO,
County of _____ } ss.

I HEREBY CERTIFY That I served the within Subpoena on the 14th day of May, 1975, on Ted Nelson being the witness named in said Subpoena, at the County of Valley, by showing the original to him (Ted Nelson) said witness personally, and informing him of the contents thereof.

Dated 5-14-, 1975.

Fees .....$ _____
Service .....$ _____
Mileage .....$ _____

Wm T. Ford
Deputy Sheriff Valley County

Case No. _____ Inst. No. 44
Filed _____ A.M. 3:36 P.M.

JUN 16 1975

J. W. CRUTCHER, CLERK
By Pauline M. Bacon Dept.

ROBERT H. REMAKLUS
P.O.Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO, Plaintiff,

vs.

THOMAS EUGENE CREECH, Defendant.

CASE NO. 2165

SUBPOENA—Criminal

THE STATE OF IDAHO

To Laurins Herrick

YOU ARE COMMANDED To appear before the District Court of the 4th Judicial District, in and for the County of Valley, at the court room in the Court House, in Cascade in said County, on the 20th day of May, 1975 at 10:00 o'clock A. M., as a witness in a criminal action prosecuted by the State of Idaho, against THOMAS EUGENE CREECH

Given under my hand this 9th day of May, 1975.

J. W. CRUTCHER, CLERK
Clerk
By Pauline M. Bacon
Deputy

STATE OF IDAHO, }
County of _____ } ss.

I HEREBY CERTIFY That I served the within Subpoena on the 13th day of May, 1975, on Laurins Herrick being the witness named in said Subpoena, at the County of Valley, by showing the original to Him said witness personally, and informing Him of the contents thereof.

Dated 5-13, 1975

Fees ..... $ _____
Service ..... $ _____
Mileage ..... $ _____

B. Miller, Deputy

Case No. _____ Inst. No. 45
Filed _____ A.M. 3:37 P.M.

ROBERT H. REMAKLUS
P.O.Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY

JUN 16 1975
J. W. CRUTCHER, CLERK
By Pauline M. Brown Deputy.

MAY 1975 RECEIVED VALLEY COUNTY PROSECUTING ATTORNEY CASCADE, IDAHO

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO, Plaintiff,
vs.
THOMAS EUGENE CREECH Defendant.

Case no. 2165

SUBPOENA—Criminal

THE STATE OF IDAHO

To STEVE HAGER

YOU ARE COMMANDED To appear before the District Court of the 4th Judicial District, in and for the County of Valley, at the court room in the Court House, in Cascade in said County, on the 20th day of May, 1975 at 10:00 o'clock A. M., as a witness in a criminal action prosecuted by the State of Idaho, against Thomas Eugene Creech

Given under my hand this 9th day of May, 1975

J. W. CRUTCHER, CLERK
Clerk
By Pauline M. Brown
Deputy

STATE OF IDAHO, }
County of _____ } ss.

I HEREBY CERTIFY That I served the within Subpoena on the 14th day of May, 1975, on Steve Hager being the witness named in said Subpoena, at the County of Boise, by showing the original to Him said witness personally, and informing Him of the contents thereof.

Dated 5-14-75, 19__.

Fees ..... $ _____
Service ..... $ _____
Mileage ..... $ _____

Martin J. Maxwell

Case No. _____ Inst. No. 46
Filed _____ A.M. 3:38 P.M.

JUN 16 1975

J. W. CRUTCHER, CLERK
By Pauline M. Bussom Deputy.

ROBERT H. REMAKLUS
P.O.Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO, Plaintiff,

vs.

THOMAS EUGENE CREECH Defendant.

SUBPOENA—Criminal

Case No. 2165

THE STATE OF IDAHO

To EARL BRESHARS

YOU ARE COMMANDED To appear before the District Court of the 4th Judicial District, in and for the County of Valley, at the court room in the Court House, in Cascade in said County, on the 20th day of May, 1975 at 10:00 o'clock A. M., as a witness in a criminal action prosecuted by the State of Idaho, against THOMAS EUGENE CREECH

Given under my hand this 13th day of May, 1975.

J. W. CRUTCHER, CLERK
Clerk
By Pauline M. Bussom
Deputy

STATE OF IDAHO, }
County of _____ } ss.

I HEREBY CERTIFY That I served the within Subpoena on the 15th day of May, 1975, on Earl BRESHARS being the witness named in said Subpoena, at the County of Valley, by showing the original to him said witness personally, and informing him of the contents thereof.

Dated 5-15-75, 19___.

Fees ..... $ _____
Service ..... $ _____
Mileage ..... $ _____

Martin J. Muffoletto
Deputy Sheriff Valley County

Case No. 2165 Inst. No. 47
Filed 11:15 A.M. _____ P.M.

JUN 18 1975

J. W. CRUTCHER, CLERK
By Carol Mack Deputy

BRUCE O. ROBINSON
Attorney at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * * *

STATE OF IDAHO, Plaintiff, -vs- THOMAS EUGENE CREECH, Defendant.	Criminal #2165 ORDER ALLOWING CHANGE OF COUNSEL

THIS MATTER having come before the Court this 9th day of June, 1975, upon the request of court-appointed counsel and public defender, WARD HOWER; the matter being heard by stipulation of counsel at the Courthouse in Boise, Ada County, Idaho. The State of Idaho being represented by LYNN THOMAS, Esq., of the Attorney General's Office, and the Defendant being represented by his court-appointed counsel, WARD HOWER of Cascade, Idaho, and by his retained counsel, BRUCE O. ROBINSON, Esq., Nampa, Idaho.

The Court being advised by WARD HOWER that the Defendant desired a change of counsel and that Mr. Hower acquiesced in the same and desired to withdraw in favor of BRUCE O. ROBINSON, Esq., counsel privately retained by the Defendant, Thomas Eugene Creech. The State making no objections to the same, and the Court being then and there fully advised in the premises;

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

IT IS THEREFORE ORDERED and this does hereby ORDER that counsel of record for the Defendant, Thomas Eugene Creech, be changed from the public defender-court appointed counsel, WARD HOWER, to the privately retained counsel, BRUCE O. ROBINSON, Esq., Nampa, Idaho.

It is further ORDERED that this matter is continued for the purpose of a hearing on the setting of a proper place of venue until the 30th day of June, 1975, at 3:30 o'clock P.M., the Defendant being remanded to the custody of the Ada County Sheriff's Office.

Dated this 16th day of June, 1975.

DISTRICT JUDGE

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA VALLEY

HON. J. RAY DURTSCHI — MAY Term 19 75

District Judge

June 30, 1975

Date

COURT MINUTES

The State of Idaho)
)
)
vs Plaintiff -) No. V.C. 2165
)
Thomas Eugene Creech)

Defendant -

Log L-1 222 & 279

Appearances:

Lynn Thomas, Deputy Attorney General — Counsel for State

Bruce O. Robinson — Counsel for Defendant

Defendant present and appearing in custody of the Ada County Sheriff.

Further hearing on change of venue.

Statements by Counsel re/change of venue.
No statement by defendant.

Upon stipulation of Counsel the Court granted medical examinations for the defendant. Written stipulation to be filed.

Proposed publicity notice, approved by Counsel for State and Counsel for Defendant, was granted by the Court.

There being no objections the Court continued hearing on change of venue to 3:30 p.m., July 10, 1975.

Defendant remanded to the custody of the Ada County Sheriff.

Reporter: John Gembee — Approved by:

Clerk: marya

Dated: June 30, 1975

District Judge

BRUCE O. ROBINSON
Attorney at Law
P.O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED
A.M. 11:55 P.M.
JUL 3 1975
J. W. Crutchfield, Clerk
Mary a Hall Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * * *

STATE OF IDAHO,
Plaintiff,
-vs-
THOMAS EUGENE CREECH,
Defendant.

Criminal #2165

STIPULATION AND ORDER FOR MEDICAL EXAMINATION

THE PARTIES above named in the State of Idaho by and through Counsel of record LYNN THOMAS, Deputy Attorney General and the Defendant by and through his Counsel BRUCE O. ROBINSON and stipulate to the Court that the Court enter its order allowing the Defendant to be examined by the physician of his choice. The said physical examination to include brain scan, EEG, EKG, glucose tolerance test and various blood tests. The arrangement for said physical examination to be made under the supervision and control of Sheriff Charles Palmer, Sheriff of Ada County Idaho.

It is further stipulated that the Defendant be allowed to have a psychiatrist of his own choice conduct interviews and consultations with the Defendant for the purpose of making an independent psychiatric analysis for the Defendant's use in his defense.

Dated this 2nd day of July, 1975.

LYNN THOMAS- ~~ASSISTANT~~ DEPUTY ATTORNEY GENERAL, STATE OF IDAHO

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

BRUCE O. ROBINSON
ATTORNEY FOR THE DEFENDANT

ORDER

A stipulation having been made in the above entitled matter by Counsel representing the State of Idaho and the Defendant and the Court being fully advised in the premises does hereby order that the Defendant be allowed to have both a physical examination by a medical doctor of his choice and a psychiatric examination by a psychiatrist of his choice. It is further ordered that all of said examinations be made under the supervision and control of the Sheriff of Ada County, Boise, Idaho.

Dated this 2nd day of July, 1975.

DISTRICT JUDGE

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF ~~XXX~~ VALLEY

HON. J. RAY DURTSCHI — MAY Term 1975

District Judge

July 10, 1975

Date

COURT MINUTES

The State of Idaho)
)
)
vs Plaintiff -) No. V.C. CR 2165
)
Thomas Eugene Creech)

Defendant -

MURDER IN THE FIRST DEGREE

Appearances:

Lynn Thomas
Deputy Prosecuting Attorney — Counsel for State

Bruce O. Robinson — Counsel for Defendant

Defendant present and appearing in custody of the Ada County Sheriff.

Hearing continued from June 30, 1975 for change of venue.

Argument.

The Court order venue change to Wallace, Idaho.

Counsel to prepare order.

Defendant remanded to the custody of the Ada County Sheriff.

Reporter: John Gambee — Approved by:

Clerk: marya

Dated: July 10, 1975

District Judge

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO,
Plaintiff,
v.
THOMAS EUGENE CREECH,
Defendant.

Case No. 2165-CR

FINDINGS AND ORDER

JUL 21 1975
I.W. Crutcher, Clerk
By Mary A. Hill, Deputy

The Court, having concluded that the Defendant's Motion for Change of Venue from Cascade, Valley County, Idaho to another place of trial should be granted, and having heretofore so ordered, makes the following findings of fact after having heard the Plaintiff and the Defendant in open court on the tenth day of July, 1975, and previously:

1. That Wallace, Idaho is a suitable location for the trial of the above captioned case;
2. That it is likely that the substantial publicity concerning this case which has been present in the area of Cascade, Idaho, has not been duplicated in Wallace, Idaho, and that it is thus likely that a fair and impartial jury can be selected there without undue difficulty; that Wallace, Idaho is substantially removed in distance from Cascade, Idaho;
3. That a courtroom is available in Wallace, Idaho for an extended period of time;
4. That secure jail facilities exist in Wallace, Idaho, sufficient for the detention and protection of the Defendant.

Wherefore the Court concludes that the place of trial in the above captioned case should be fixed at Wallace, Idaho, Shoshone County, Idaho. It is so Ordered and this

case is hereby transferred to the District Court of the First Judicial District of the State of Idaho, in and for the County of Shoshone, pursuant to I.C. section 19-1804, and Rule 21 of the Idaho Rules of Criminal Practice and Procedure. The Clerk of the Court is directed to transmit the files of the Court in accordance with I.C. section 19-1804 and Rule 21 of the Idaho Rules of Criminal Practice and Procedure. Pursuant to I.C. 19-1805, the Defendant shall be forthwith removed to the custody of the Sheriff of Shoshone County, Idaho, unless the Court to which this action is transferred directs otherwise.

DATED This 14th day of July, 1975.

J. RAY DURTSCHI
District Judge

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF [redacted] VALLEY

NO. _____

FILED

A.M. _____ P.M. _____

JUL 23 1975

J. W. Crutcher

[redacted] CLERK

The State of Idaho

Plaintiff

-vs-

Thomas Eugene Creech

Defendant

CERTIFICATE OF MAILING NOTICE PURSUANT TO RULE 77 (d), and 55 (b) (1) I.R.C.P.

I, J. W. Crutcher, the undersigned authority, do hereby certify that I have mailed, by United States mail, one copy of the

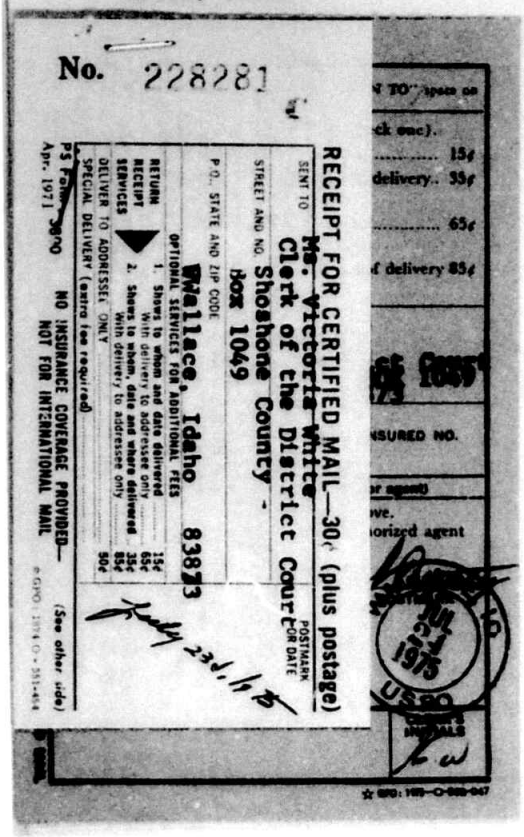
FINDINGS AND ORDER

as notice pursuant to Rule 77 (d) and 55 (b) (1) I. R.C.P. to each of the attorneys of record in this cause in envelopes addressed as follows:

Sheriff Derold E. Lynskey
Valley County Courthouse
Cascade, Idaho 83611

Sheriff E. C. (Chuck) Palmer
Ada County Courthouse
Boise, Idaho

HAND DELIVERED



J. W. CRUTCHER
[redacted]
Clerk of the District Court
Valley [redacted] County, Idaho

By mary a hill
Deputy Clerk

In the District Court of the Fourth Judicial District of the

State of Idaho, In and For the County of ~~Ada~~ SHOSHONE

The State of Idaho
Plaintiff

vs

CERTIFICATE OF MAILING NOTICE
PURSUANT TO RULE 77 (d) I.R.C.P.

Thomas Eugene Creech
Defendant

I, Victoria White, the undersigned authority, do hereby certify that I have mailed, by United States mail, one copy of the ORDER re/ Publicity as notice pursuant to Rule 77 (d) I.R.C.P. to each of the attorneys of record in this cause in envelopes addressed as follows:

Ms Victoria White
Clerk of the District Court
Shoshone County
Box 1049
Wallace, Idaho 83873

Lewis Gardner
Sheriff Shoshone County
Court House
Wallace, Idaho 83873

Victoria White
~~CLERK OF THE DISTRICT COURT~~
CLERK OF THE DISTRICT COURT
Ada County, Idaho

By _____
Deputy Clerk

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/14/96
mary a hill Clerk

BRUCE O. ROBINSON
Attorney at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED
A.M. 8:45
AUG 14 1975
Mary A. Hill
Deputy Clerk
J. W. Crutcher, Clerk
Valley County, Idaho

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

* * * * *

STATE OF IDAHO,

Plaintiff,

-vs-

THOMAS EUGENE CREECH,

Defendant.

Case No. 2165-CR

CONSENT AND WAIVER OF PERSONAL APPEARANCE OF DEFENDANT

COMES NOW THOMAS EUGENE CREECH, Defendant in the above-entitled matter individually and acting under advise of his counsel does hereby consent to and waive any necessity of his personal presence at the hearing of motions on pure technical legal matters which may come before this Court from the present date until trial commences the 6th day of October, 1975, at Wallace, Idaho.

This consent to and waiver of the necessity of his personal presence is to clothe the Defendant's counsel with authority to appear on all of said matters and motions as the Court and counsel for the State and the Defendant may be deemed proper and permissable under the laws of the State of Idaho.

Dated this 6th day of August, 1975.

Thomas Eugene Creech
THOMAS EUGENE CREECH

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/24/26
Mary A. Hill Clerk

BRUCE O. ROBINSON - ATTORNEY AT LAW - P. O. BOX 8 - NAMPA, IDAHO 83651

BRUCE O. ROBINSON
Attorney at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

NO. _____
FILED
A.M. 10:45
AUG 14 1975
mary a. hill Deputy Clerk
J. W. Crutcher, Clerk
Valley County, Idaho

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

* * * * *

STATE OF IDAHO,
Plaintiff,
-vs-
THOMAS EUGENE CREECH,
Defendant.

Case No. 2165-CR

STIPULATIONS and ORDER

COMES NOW the State of Idaho by and through ROBERT REMAKLUS, Prosecuting Attorney, Valley County, and LYNN THOMAS, Deputy Attorney General, and BRUCE O. ROBINSON, Counsel for the Defense, and stipulate to the Court as follows:

I.

That the cutoff of all pre-trial motions shall be the 10th day of September, 1975.

II.

That all briefs on all motions pending at the cutoff date shall be submitted to the Court on or before the 17th day of September, 1975.

III.

That the hearing on all motions other than evidentiary shall be heard at Boise, Idaho on the 22nd day of September, 1975 at the hour of 3:30 P.M. or as soon thereafter as counsel can be heard.

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated 5/24/76
mary a hill Clerk

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

IV.

That all evidentiary motions then pending shall be heard prior to the commencement of trial at Wallace, Idaho, Shoshone County, State of Idaho on the 6th day of October.

V.

That all pre-trial briefs shall be filed and delivered to the Court on or before the 1st day of October, 1975.

VI.

That the commencement of trial in the above-entitled matter shall commence at 10 A.M. the 6th day of October, 1975.

VII.

It is stipulated that previous notice for hearings on the pending motions at 8 A.M. on the 12th day of August, 1975 is vacated and pursuant to the above all of said motions shall be heard on the 22nd day of September, 1975.

VIII.

That the Defendant, THOMAS EUGENE CREECH, shall be transported to the Shoshone County Jail at Wallace, Idaho on the 7th day of August, 1975, and remain there through his trial which commences the 6th day of October unless otherwise specified by the Court.

Dated this 6th day of August, 1975.

ROBERT REMAKLUS
Prosecuting Attorney, Valley County, Cascade, Idaho

LYNN THOMAS, Deputy Attorney General, Wallace, Idaho

BRUCE O. ROBINSON, Counsel for Defendant, Nampa, Idaho

APPROVED

Thomas Eugene Creech
THOMAS EUGENE CREECH

BRUCE O. ROBINSON . ATTORNEY AT LAW . P. O. BOX 8 . NAMPA, IDAHO 83651

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 6 · NAMPA, IDAHO 83651

O R D E R

The Court having read the above stipulation by Counsel for the State and for the Defendant and being appraised of the premises contained therein, hereby ORDERS as follows:

1. That the cutoff of all pre-trial motions shall be the 10th day of September, 1975.

2. That all briefs on all motions pending at the cut-off date shall be submitted to the Court on or before the 17th day of September, 1975.

3. That the hearing on all motions other than evidentiary shall be heard at Boise, Idaho on the 22nd day of September, 1975, at the hour of 3:30 P.M. or as soon thereafter as counsel can be heard.

4. That all evidentiary motions then pending shall be heard prior to the commencement of trial at Wallace, Idaho, Shoshone County, State of Idaho on the 6th day of October.

5. That all pre-trial briefs shall be filed and delivered to the Court on or before the 1st day of October, 1975.

6. That the commencement of trial in the above-entitled matter shall commence at 10 A.M. the 6th day of October, 1975.

7. It is stiuplated that previous notice for hearings on the pending motions at 8 A.M. on the 12th day of August, 1975 is vacated and pursuant to the above all of said motions shall be heard on the 22nd day of September, 1975.

8. That the Defendant, THOMAS EUGENE CREECH, sahll be transported to the Shoshone County Jail at Wallace, Idaho on the 7th day of August, 1975, or as soon thereafter as convenient to Shoshone County and remain there through his trial which commences the 6th day of October unless otherwise specified by the Court.

Dated this 11th day of August, 1975.

J. RAY DURTSCHI
District Judge

In the District Court of the Fourth Judicial District of the State of Idaho, In and For the County of ~~KOOTENAI~~ VALLEY

The State of Idaho
Plaintiff

vs

Thomas Eugene Creech
Defendant

CERTIFICATE OF MAILING NOTICE PURSUANT TO RULE 77 (d) I.R.C.P.

FILED

A.M. ..... P.M. .....

AUG 14 1975

I, J. W. Crutcher, the undersigned authority, do hereby certify that I have mailed, by United States mail, one copy of the CONSENT & WAIVER OF PERSONAL APPEARANCE OF DEFENDANT AND STIPULATIONS AND ORDER as notice pursuant to Rule 77 (d) I.R.C.P. to each of the attorneys of record in this cause in envelopes addressed as follows:

Ms Victoria White
Clerk of the District Court
Shoshone County
Box 1049
Wallace, Idaho 83873

Bruce O. Robinson
Attorney at Law
P. O. Box 8
Nampa, Idaho

Lynn Thomas
Deputy Attorney General
State House
Boise, Idaho

Robert H. Remaklus
Attorney at Law
P. O. Box 759
Cascade, Idaho

~~CLERK OF THE DISTRICT COURT~~
CLERK OF THE DISTRICT COURT
Valley ~~Kootenai~~ County, Idaho

By mary a Lee
Deputy Clerk

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.

Dated: 5/11/26

mary a Lee Clerk

ORIGINAL

Case No. 2165 Inst. No. 48
Filed 11:35 A.M. _____ P.M.

AUG 29 1975

J. W. CRUTCHER, CLERK
By Carol Davis Deputy.

ROBERT H. REMAKLUS
VALLEY COUNTY PROSECUTING ATTORNEY
P. O. Box 759
Cascade, Idaho 83611
Telephone: 382-4270

LYNN E. THOMAS
Deputy Attorney General
Special Assistant Prosecutor
Attorney General's Office
Statehouse, Boise, Idaho 83720
Telephone: 384-2400

ATTORNEYS FOR PLAINTIFF

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO, Plaintiff, v. THOMAS EUGENE CREECH, Defendant.	NO. 2165 PLAINTIFF'S MOTION FOR DISCOVERY

COMES NOW the STATE OF IDAHO and moves, pursuant to Rule 16(b), Idaho Rules of Criminal Practice and Procedure, for the Court's order directing the Defendant and the Defendant's counsel to comply with said Criminal Rule 16(b) in the following particulars:

I.

That the Defendant shall permit the prosecutors to inspect and copy or photograph books, papers, documents, photographs, tangible objects or copies or portions thereof, which are within the possession, custody or control of the Defendant, and which the Defendant intends to introduce in evidence at the trial; and

II.

That the Defendant shall permit the State to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, within

STATE OF IDAHO, County of Valley, ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 8-29-75 Maya Shaw Clerk

the possession or control of the Defendant, which the Defendant intends to introduce in evidence at the trial, or which were prepared by a witness whom the Defendant intends to call at the trial when the results or reports relate to testimony of the witness; and

II.

That the Defendant shall furnish the State a list of names and addresses of witnesses Defendant intends to call at trial.

The State of Idaho moves further that the Court, pursuant to Rule 16(f) of the Idaho Rules of Criminal Practice and Procedure, order that the Defendant furnish the aforesaid list of witnesses, permit the inspection of the aforesaid documents and tangible objects, and furnish the aforesaid reports of examinations and tests on or before the 12th day of September, 1975, and further, that the aforesaid list of defense witnesses shall be furnished by mailing copies thereof to the prosecuting attorneys on or before the said date, and that the other incidents of discovery herein referenced be conducted on the 12th day of September, 1975, or other time agreeable to all parties, at the office of the Defendant's counsel in Nampa, Idaho.

DATED This 27th day of August, 1975.

LYNN E. THOMAS
Deputy Attorney General
Special Assistant Prosecuting
Attorney for Valley County

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That I have on this 27th day of August, 1975, served the foregoing PLAINTIFF'S MOTION FOR DISCOVERY by placing a true and correct copy thereof in the United States mail, postage prepaid, addressed to Defendant's counsel, BRUCE O. ROBINSON, P. O. Box 8, Nampa, Idaho 83651.

Lynn E. Thomas
Special Assistant Prosecutor

BRUCE O. ROBINSON
Attorney at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED
A.M. ____ P.M. ____
SEP 8 1975
Mary A. Hill
Ex Officio Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

* * * * *

STATE OF IDAHO,
Plaintiff,
-vs-
THOMAS EUGENE CREECH,
Defendant.

Case No. 2165-CR

STIPULATIONS and ORDER

COMES NOW the State of Idaho by and through ROBERT REMAKLUS, Prosecuting Attorney, Valley County, and LYNN THOMAS, Deputy Attorney General, and BRUCE O. ROBINSON, Counsel for the Defense, and stipulate to the Court as follows:

I.

That the cutoff of all pre-trial motions shall be the 10th day of September, 1975.

II.

That all briefs on all motions pending at the cutoff date shall be submitted to the Court on or before the 17th day of September, 1975.

III.

That the hearing on all motions other than evidentiary shall be heard at Boise, Idaho on the 22nd day of September, 1975 at the hour of 3:30 P.M. or as soon thereafter as counsel can be heard.

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 9/4/76
Mary A. Hill Clerk

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

IV.

That all evidentiary motions then pending shall be heard prior to the commencement of trial at Wallace, Idaho, Shoshone County, State of Idaho on the 6th day of October.

V.

That all pre-trial briefs shall be filed and delivered to the Court on or before the 1st day of October, 1975.

VI.

That the commencement of trial in the above-entitled matter shall commence at 10 A.M. the 6th day of October, 1975.

VII.

It is stipulated that previous notice for hearings on the pending motions at 8 A.M. on the 12th day of August, 1975 is vacated and pursuant to the above all of said motions shall be heard on the 22nd day of September, 1975.

VIII.

That the Defendant, THOMAS EUGENE CREECH, shall be transported to the Shoshone County Jail at Wallace, Idaho on the 7th day of August, 1975, and remain there through his trial which commences the 6th day of October unless otherwise specified by the Court.

Dated this 6th day of August, 1975.

ROBERT REMAKLUS
Prosecuting Attorney, Valley County, Cascade, Idaho

APPROVED

THOMAS EUGENE CREECH

LYNN THOMAS, Deputy Attorney General, Wallace, Idaho

BRUCE O. ROBINSON, Counsel for Defendant, Nampa, Idaho

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

O R D E R

The Court having read the above stipulation by Counsel for the State and for the Defendant and being appraised of the premises contained therein, hereby ORDERS as follows:

1. That the cutoff of all pre-trial motions shall be the 10th day of September, 1975.

2. That all briefs on all motions pending at the cut-off date shall be submitted to the Court on or before the 17th day of September, 1975.

3. That the hearing on all motions other than evidentiary shall be heard at Boise, Idaho on the 22nd day of September, 1975, at the hour of 3:30 P.M. or as soon thereafter as counsel can be heard.

4. That all evidentiary motions then pending shall be heard prior to the commencement of trial at Wallace, Idaho, Shoshone County, State of Idaho on the 6th day of October.

5. That all pre-trial briefs shall be filed and delivered to the Court on or before the 1st day of October, 1975.

6. That the commencement of trial in the above-entitled matter shall commence at 10 A.M. the 6th day of October, 1975.

7. It is stiuplated that previous notice for hearings on the pending motions at 8 A.M. on the 12th day of August, 1975 is vacated and pursuant to the above all of said motions shall be heard on the 22nd day of September, 1975.

8. That the Defendant, THOMAS EUGENE CREECH, sahll be transported to the Shoshone County Jail at Wallace, Idaho on the 7th day of August, 1975, Or as Soon Thereafter as Convenient To Sheriff of Valley County and remain there through his trial which commences the 6th day of October unless otherwise specified by the Court.

Dated this 11th day of August, 1975.

J. RAY DURTSCHI
District Judge

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF KKK VALLEY

HON. J. RAY DURTSCHI — SEPTEMBER Term 19 75

District Judge

September 4, 1975

Date

COURT MINUTES

The State of Idaho)
)
vs Plaintiff -) No. V.C. 2165
)
Thomas Eugene Creech)

Defendant -

MURDER IN THE FIRST DEGREE

Appearances:

Lynn Thomas — Counsel for State
Deputy Attorney General

Bruce Robinson — Counsel for Defendant

Defendant not present.

Hearing on miscellaneous motions.

There being no objections the Court continued this hearing until 9:30 a.m., September 5, 1975.

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/14/76
mary a Sell Clerk

Reporter: John Gambee Approved by:

Clerk: marya

Dated: September 4, 1975

District Judge

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF ~~ADA~~ VALLEY

HON. J. RAY DURTSCHI — SEPTEMBER Term 19 75

DISTRICT JUDGE

September 5, 1975

Date

COURT MINUTES

The State of Idaho
Plaintiff -

vs

Thomas Eugene Creech
Defendant -

No. V.C. 2165

MURDER IN THE FIRST DEGREE

Appearances:

Lynn Thomas — Counsel for State
Deputy Attorney General

Bruce O. Robinson — Counsel for Defendant

Defendant not present.

Hearing continued from September 4, 1975 on miscellaneous motions of State and Deferdant.

State's Motion for Production of Handwriting Exemplars -
Argument.
The Court granted motion upon supplemental showing in support of motion.

State's Motion for Psychiatric Study -
There being no objection the Court granted motion

State's Motion for Discovery -
There being no objection the Court granted motion.

Counsel to prepare orders.

Defendant's Motion for Discovery and Inspection -
There being no objection the Court granted motion.

No ruling necessary on Defendant's Notice of Association of Co-Counsel.

Defendant's Motion regarding special equipment and supplies. -
Argument re/typewriter and writing paper.
The Court denied motion as to typewriter and directed Counsel for State to consult with Sheriff or Prosecuting Attorney of Shoshone County as to availability of pen, pencil and paper for Defendant.

Defendant's motion for Pre-Trial Conference -
Argument.
The Court granted Defendant's motion for Pre-Trial Conference October 3, 1975 at 9:30 a.m., for all motions that would require Defendant to be present and set September 22, 1975 for pre-trial conference for all motions that do not require the Defendant to be present.

Defendant's Motion for Allowance of Subpoena of Witnesses -
Argument.

The Court denied defendant's motion except for witnesses subpoenaed by State and rejected tendered subpoenas for the State without prejudice.

Counsel to prepare orders.

REPORTER: John Gambee

CLERK: marya

DATE: September 5, 1975

APPROVED:

District Judge

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.

Dated: 5/12/96

mary a Sell Clerk

ROBERT H. REMAKLUS
VALLEY COUNTY PROSECUTING ATTORNEY
P.O. Box 759
Cascade, Idaho 83611
Telephone: 382-4270

LYNN E. THOMAS
Deputy Attorney General
Special Assistant Prosecutor
Attorney General's Office
Statehouse, Boise, Idaho 83720
Telephone: 384-2400

Attorneys for Plaintiff

FILED
A.M. ..... P.M. .....
SEP 5 1975
mary a Lee - deputy
J.W. Crutchen - clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO, Plaintiff, v. THOMAS EUGENE CREECH, Defendant.	No. 2165 **MOTION FOR THE PRODUCTION OF HANDWRITTING EXEMPLARS**

COMES NOW the State of Idaho and moves that the Defendant, THOMAS EUGENE CREECH, be ordered by the court to furnish handwritting exemplars in order to enable the State to obtain an expert opinion with respect to the authorship of certain handwritten statements and representations of the Defendant, THOMAS EUGENE CREECH, which may be introduced in evidence at Defendant's trial or in proceedings related to suppression of evidence.

DATED This 4th day of September, 1975.

LYNN E. THOMAS
Deputy Attorney General
Special Assistant Prosecutor

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/04/76
mary a Lee Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That I have on the 4th day of September, 1975, served the foregoing MOTION FOR THE PRODUCTION OF HANDWRITING EXEMPLARS by personally serving a true and correct copy thereof upon Bruce O. Robinson, Attorney at Law, P.O. Box 8, Nampa, Idaho 83605, attorney for Defendant.

LYNN E. THOMAS
Deputy Attorney General
State of Idaho

ROBERT H. REMAKLUS
VALLEY COUNTY PROSECUTING ATTORNEY
P.O. BOX 759
Cascade, Idaho 83611
Telephone: 382-4270

LYNN E. THOMAS
Deputy Attorney General
Special Assistant Prosecutor
Attorney General's Office
Statehouse, Boise, Idaho 83720
Telephone: 384-2400

ATTORNEYS FOR PLAINTIFF

FILED
A.M. ..... P.M. .....
SEP 5 1975
mary a hill - deputy
J.W. Gwaltney, Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO,

Plaintiff,

v.

THOMAS EUGENE CREECH,

Defendant.

No. 2165

MOTION FOR PSYCHIATRIC STUDY

COMES NOW the State of Idaho and moves that the court order the Defendant, THOMAS EUGENE CREECH, to submit to full psychiatric interview and examination by Dr. F. LaMarr Heyrent and to psychological testing by a psychologist to be designated by Dr. F. LaMarr Heyrend, Psychiatrist, pursuant to I.C. §18-211.

This Motion is made upon the ground that the psychiatric examination heretofore forwarded by Dr. Michael Estess, upon appointment of the court, concerns itself with the Defendant's fitness to stand trial and does not afford the state sufficient information and evidence upon which to base its rebuttal of Defendant's insanity defense, for which notice has been heretofore filed.

DATED This 4th day of September, 1975.

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/24/76
mary a hill Clerk

Lynn E. Thomas
LYNN E. THOMAS
Deputy Attorney General
Special Assistant Prosecutor

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That I have on the 4th day of September, 1975, served the foregoing MOTION FOR PSYCHIATRIC STUDY by personally serving a true and correct copy thereof upon BRUCE O. ROBINSON, Attorney at Law, P.O. Box 8, Nampa, Idaho 83605, attorney for Defendant.

LYNN E. THOMAS
Deputy Attorney General
State of Idaho

ROBERT H. REMAKLUS
VALLEY COUNTY PROSECUTING ATTORNEY
P. O. Box 759
Cascade, Idaho 83611
Telephone: 382-4270

LYNN E. THOMAS
Deputy Attorney General
Special Assistant Prosecutor
Attorney General's Office
Statehouse, Boise, Idaho 83720
Telephone: 384-2400

ATTORNEYS FOR PLAINTIFF

FILED
A.M. ..... P.M. .....
SEP 5 1975
mary a. hill, deputy
J.W. Leutchen, Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO, Plaintiff, v. THOMAS EUGENE CREECH, Defendant.	NO. 2165 PLAINTIFF'S MOTION FOR DISCOVERY

COMES NOW the STATE OF IDAHO and moves, pursuant to Rule 16(b), Idaho Rules of Criminal Practice and Procedure, for the Court's order directing the Defendant and the Defendant's counsel to comply with said Criminal Rule 16(b) in the following particulars:

I.

That the Defendant shall permit the prosecutors to inspect and copy or photograph books, papers, documents, photographs, tangible objects or copies or portions thereof, which are within the possession, custody or control of the Defendant, and which the Defendant intends to introduce in evidence at the trial; and

II.

That the Defendant shall permit the State to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, within

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated 9/5/75
mary a. hill Deputy

the possession or control of the Defendant, which the Defendant intends to introduce in evidence at the trial, or which were prepared by a witness whom the Defendant intends to call at the trial when the results or reports relate to testimony of the witness; and

III.

That the Defendant shall furnish the State a list of names and addresses of witnesses Defendant intends to call at trial.

The State of Idaho moves further that the Court, pursuant to Rule 16(f) of the Idaho Rules of Criminal Practice and Procedure, order that the Defendant furnish the aforesaid list of witnesses, permit the inspection of the aforesaid documents and tangible objects, and furnish the aforesaid reports of examinations and tests on or before the 12th day of September, 1975, and further, that the aforesaid list of defense witnesses shall be furnished by mailing copies thereof to the prosecuting attorneys on or before the said date, and that the other incidents of discovery herein referenced be conducted on the 12th day of September, 1975, or other time agreeable to all parties, at the office of the Defendant's counsel in Nampa, Idaho.

DATED This 27th day of August, 1975.

LYNN P. THOMAS
Deputy Attorney General
Special Assistant Prosecuting
Attorney for Valley County

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That I have on this 27th day of August, 1975, served the foregoing PLAINTIFF'S MOTION FOR DISCOVERY by placing a true and correct copy thereof in the United States mail, postage prepaid, addressed to Defendant's counsel, BRUCE O. ROBINSON, P. O. Box 8, Nampa, Idaho 83651.

Lynn P. Thomas
Special Assistant Prosecutor

ROBERT H. REMAKLUS
VALLEY COUNTY PROSECUTING ATTORNEY
P.O. Box 759
Cascade, Idaho 83611
Telephone: 382-4270

LYNN E. THOMAS
Deputy Attorney General
Special Assistant Prosecutor
Attorney General's Office
Statehouse, Boise, Idaho 83720
Telephone: 384-2400

ATTORNEYS FOR PLAINTIFF

FILED
A.M. P.M.
SEP 5 1975
mary a hill, clerk
J. W. Creutchen, deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO, Plaintiff, v. THOMAS EUGENE CREECH, Defendant.	No. 2165
	NOTICE OF HEARING

NOTICE IS HEREBY GIVEN That the Plaintiff's Motion For Psychiatric Study of the Defendant, the state's Motion For Production of Handwritting Exemplars of Defendant, and Motion For Plaintiff's Discovery will be called up for hearing before the Honorable J. Ray Durtschi in the courthouse in Boise, Idaho on the fourth day of September, 1975, at the hour of 3:30 o'clock p.m., or scon thereafter as counsel can be hear, it being understood by the State that Defendant's counsel will stipulate that the said matters may be heard upon short notice.

DATED this 4th day of September, 1975.

LYNN E. THOMAS
Deputy Attorney General
Special Assistant Prosecutor
Attorney for Valley County

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/24/76
mary a hill Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have on the 4th day of September, 1975, served the foregoing NOTICE OF HEARING by personally serving a true and correct copy thereof upon BRUCE O. ROBINSON, P.O. Box [illegible], Nampa, Idaho 83651.

LYNN E. THOMAS
Deputy Prosecutor

NOTICE OF HEARING - 4

BRUCE O. ROBINSON
Attorney at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED
SEP 5 1975
mary a hill, deputy
J. W. Crutchlow, Clerk

IN THE DISTRICT COURT OF THE FOURTHJUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTIES OF VALLEY AND ADA

* * * * *

STATE OF IDAHO,

Plaintiff,

-vs-

THOMAS EUGENE CREECH,

Defendant.

Case No. 2165-CR

MOTION FOR DISCOVERY AND INSPECTION

The defendant, THOMAS E. CREECH, by and through counsel of record, BRUCE O. ROBINSON, hereby moves the Court to enter its order as follows:

1. Requiring the Attorney General to permit such counsel to inspect and copy or photograph: any relevant written or recorded statements made by such defendant, or copies thereof, within the possession, custody or control of the state, the existence of which is known or is available to the Attorney General's office by the exercise of due diligence; and also the substance of any relevant, oral statement made by such defendant whether before or after arrest to a peace officer, prosecuting attorney, Attorney General, or their agents.

2. Requiring the Attorney General to permit such counsel to inspect and copy or photograph any results or reports of physical or mental examinations, and of scientific tests or experiments, made in connection with this case, or copies thereof,

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated 5/11/76
mary a hill Clerk

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

within the possession, custody or control of the Attorney General, the existence of which is known or is available to the Attorney General by the exercise of due diligence.

3. Requiring the Attorney General to furnish to such defense counsel a written list of the names and addresses of all persons having knowledge or relevant facts who may be called by the state as witnesses at the trial, together with any record of prior felony convictions of any such person which is within the knowledge of the Attorney General.

This motion is made on the grounds that such information is necessary to the proper defense of this action and that the ends of justice will be served by granting this motion; and further made and based upon all of the records and files in this action.

Dated this 28th day of August, 1975.

BRUCE O. ROBINSON
Counsel for Defendant

NOTICE OF HEARING

TO: The Attorney General's Office, Lynn Thomas, Deputy Attorney General, and Robert Remaklus, Prosecuting Attorney.

NOTICE IS HEREBY GIVEN that the Defendant's Motion for Discovery and Inspection will be called up for hearing before this Court in the Courthouse at Boise, Idaho, on the 4th day of September, 1975, at the hour of 3:30 o'clock P.M., or as soon thereafter as counsel can be heard.

Dated this 28th day of August, 1975.

BRUCE O. ROBINSON
Counsel for Defendant

I certify that on the 2nd day of Sept. 1975, I placed in the U. S. Mail at Nampa, Idaho, postage prepaid, a copy of the foregoing instrument addressed to Counsel for Plaintiff
Lynn Thomas, Dep. Atty. Gen.,
Statehouse, Boise, Idaho 83702;
Robert Remaklus, Pros. Att., Valley Cty.
Courthouse, Cascade, Idaho 83611

Bruce O. Robinson

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 9 · NAMPA, IDAHO 83651

BRUCE O. ROBINSON
Attorney at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED
A.M. ____ P.M. ____
SEP 5 1975
mary a Hill, Clerk
J.W. Crutcher, Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTIES OF VALLEY AND ADA

* * * * *

STATE OF IDAHO, Plaintiff, -vs- THOMAS EUGENE CREECH, Defendant.	Case No. 2165-CR NOTICE OF ASSOCIATION OF CO-COUNSEL

TO: The Clerk of the above-captioned Court; the Plaintiff, The State of Idaho, and its counsel of record, Lynn Thomas, Deputy Attorney General of the State of Idaho, and Robert Remaklus, Prosecuting Attorney, Valley County, Cascade, Idaho.

YOU, AND EACH OF YOU, ARE HEREBY NOTIFIED that ROBERT L. JONES, Attorney at Law, and GARY H. LEW, Legal Intern, both of the law firm, ROBINSON & JONES, P.A., P. O. Box 8, Nampa, Idaho 83651, are hereby associated as co-counsel for the Defendant in the above entitled action.

Dated this 28th day of August, 1975.

BRUCE O. ROBINSON
Counsel for Defendant

I certify that on the 2nd day of Sept., 1975, I placed in the U. S. Mail at Nampa, Idaho, postage prepaid, a copy of the foregoing instrument addressed to Counsel for Plaintiff
Lynn Thomas, Dep. Atty. Gen., Statehouse, Boise, Idaho 83702
Robert Remaklus, Pros. Att., Valley Cty. Courthouse, Cascade, Idaho 83611

Bruce O. Robinson

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/11/76
mary a Hill Clerk

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

BRUCE O. ROBINSON
Attorney at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED
A.M. ..... P.M. .....
SEP 5 1975
Mary A. Hall, Deputy
J.W. Crutcher, Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTIES OF VALLEY AND ADA

* * * * *

STATE OF IDAHO,
Plaintiff,
-vs-
THOMAS EUGENE CREECH,
Defendant.

Case No. 2165-CR

MOTION

COMES NOW the Defendant, by and through his Counsel of record, BRUCE O. ROBINSON, and moves the Court for its Order allowing the Defendant to use a typewriter and writing paper during his incarceration in the Shoshone County jail, Wallace, Idaho, awaiting trial to commence October 6, 1975.

This Motion is made on the grounds that said Defendant, THOMAS EUGENE CREECH, is in need of said equipment and material for his use in assisting his counsel in preparation for trial.

Dated this 28th day of August, 1975.

BRUCE O. ROBINSON
Counsel for Defendant

NOTICE OF HEARING

TO: The Attorney General's Office, Lynn Thomas, Deputy Attorney General, and Robert Remaklus, Prosecuting Attorney.

NOTICE IS HEREBY GIVEN that the Defendant's Motion

STATE OF IDAHO, County of Valley, ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated 9/4/75
Mary A. Hall Clerk

1- MOTION

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

for allowance of special equipment and material to the Defendant, will be called up for hearing before this Court in the Courthouse at Boise, Idaho, on the 4th day of September, 1975, at 1:30 o'clock P.M., or as soon thereafter as counsel can be heard.

Dated this 19th day of August, 1975.

BRUCE O. ROBINSON
Counsel for Defendant

I certify that on the 2nd day of SEPT Aug., 19 75, I placed in the U. S. Mail at Nampa, Idaho, postage prepaid, a copy of the foregoing instrument addressed to Counsel for Plaintiff

Lynn Thomas, Dep. Atty. Gen., Statehouse, Boise, Idaho 83702
Robert Remaklus, Pros. Att., Valley Cty. Courthouse, Cascade, Idaho 83611

Bruce O. Robinson

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

BRUCE O. ROBINSON
Attorney at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED
A.M. ..... P.M. .....
SEP 5 1975
mary a. lee, deputy
J. W. Crutchlow, clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTIES OF VALLEY AND ADA

* * * * *

STATE OF IDAHO,
Plaintiff,
-vs-
THOMAS EUGENE CREECH,
Defendant.

Case No. 2165-CR

MOTION FOR PRE-TRIAL CONFERENCE

COMES NOW the Defendant, by and through his Counsel of record, BRUCE O. ROBINSON, and moves the Court for its Order setting a Pre-Trial Conference in this matter to be held on the 3rd day of October, 1975, at the hour of 9:30 o'clock A.M., at the Courthouse in Wallace, Idaho.

This Motion is made and based upon the records and files in said action, and pursuant to Rule 17.1 of the Idaho Rules of Criminal Procedure.

Dated this 28th day of August, 1975.

BRUCE O. ROBINSON
Counsel for Defendant

NOTICE OF HEARING

TO: The Attorney General's Office, Lynn Thomas, Deputy Attorney General, and Robert Remaklus, Prosecuting Attorney, Cascade, Idaho.

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated 5/24/96
mary a lee Clerk

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

NOTICE IS HEREBY GIVEN that the Defendant's Motion for Pre-Trial Conference will be called up for hearing before this Court in the Courthouse at Boise, Idaho, on the 4th day of September, 1975, at the hour of 3:30 o'clock P.M., or as soon thereafter as counsel can be heard.

Dated this 28th day of August, 1975.

BRUCE O. ROBINSON
Counsel for Defendant

I certify that on the 2nd day of Sept. 1975, I placed in the U. S. Mail at Nampa, Idaho, postage prepaid, a copy of the foregoing instrument addressed to Counsel for Plaintiff —
Lynn Thomas, Dep. Atty. Gen., Statehouse, Boise, Idaho 83701
Robert Remaklus, Pros. Atty., Valley Cnty. Courthouse, Cascade, Idaho 83611

Bruce O. Robinson

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

BRUCE O. ROBINSON
Attorney at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED
A.M. _____ P.M.
SEP 5 1975
mary a. Lee, Deputy
J. W. Crutcher Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTIES OF VALLEY AND ADA

* * * * *

STATE OF IDAHO,
Plaintiff,
-vs-
THOMAS EUGENE CREECH,
Defendant.

Case No. 2165-CR

MOTION FOR ALLOWANCE OF SUBPOENA OF WITNESSES

COMES NOW the Defendant, by and through his counsel of record, BRUCE O. ROBINSON, and moves the Court for its Order allowing the issuance of Subpoenas for the following listed witnesses to be called by the defense, the fees and mileage therefor to be charged against the County.

This Motion is made pursuant to Rule 17(a) of the Idaho Rules of Civil Procedure and Idaho Code §19-3008, based upon the fact that said witnesses' evidence is material to the defense of this matter and the Defendant cannot safely go to trial without them. This Motion is further made and based on the Affidavit filed concurrently herewith.

The witnesses to be called are as follows:

The Rt. Rev. Hanford L. King, 519 W. Washington, Boise, Idaho;

Bishop Sylvester W. Treinen, 420 W. Idaho, Boise, Idaho;

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated 5/14/76
mary a Lee Clerk

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

Edwin Z. Stuart, Rt. #1, Box 214, Cataldo, Idaho;

Sheriff Darrold Lyndskey, Valley County Sheriff, Cascade, Idaho;

Sheriff Lou Gardner, Shoshone County Sheriff, Wallace, Idaho'

Jon Barnes, S. Maple Grove Rd., Boise, Idaho'

Dr. Michael Estess, 6003 Overland Rd., Boise, Idaho;

Dr. J. O. Boxall, 824 17th Ave. So., Nampa, Idaho;

Dr. David Weeks, 200 N. 3rd, Boise, Idaho;

Sheriff Chuck Palmer, Ada County Sheriff, Boise, Idaho;

Dr. F. LaMar Heyrend, 6003 Overland Rd., Boise, Idaho;

Charles Horner, Ada County jail, Boise, Idaho;

Lt. Dave Segel, Ada County Sheriff's Office, Boise, Idaho;

Sgt. Tom Taylor, Ada County Sheriff's Office, Boise, Idaho;

Bud Mason, Chief of Narcotics, 7225 Bethel, Boise, Idaho;

Carol Spaulding, Idaho State Penitentiary, Boise, Idaho;

Dr. A. M. Peterson, Wallace, Idaho

Anton Szandor LaVey, San Francisco, California;

Gene Elsheimer, Chief Deputy, Shoshone County Sheriff's Office, Wallace, Idaho;

John Wickersham, Nampa, Idaho;

Bill Creech,

Dated this 28th day of August, 1975.

BRUCE O. ROBINSON
Counsel for Defendant

NOTICE OF HEARING

TO: The Attorney General's Office, Lynn Thomas, Deputy Attorney General, and Robert Remaklus, Prosecuting

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

Attorney.

NOTICE IS HEREBY GIVEN that the Defendant's Motion for Witnesses to be Subpoenaed will be called up for hearing before this Court in the Courthouse at Boise, Idaho, on the 4th day of September, 1975, at the hour of 3:30 o'clock P.M., or as soon thereafter as counsel can be heard.

Dated this 28th day of August, 1975.

BRUCE O. ROBINSON
Counsel for Defendant

I certify that on the 2nd day of Sept. 19 75, I placed in the U. S. Mail at Nampa, Idaho, postage prepaid, a copy of the foregoing instrument addressed to Counsel for Plaintiff Lynn Thomas, Dep. Atty. Gen., Statehouse, Boise, Idaho 83701 Robert Remaklus, Pros. Atty., Valley Cnty. Courthouse, Cascade, Idaho 83611

Bruce O. Robinson

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

BRUCE O. ROBINSON
Attorney at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED
A.M. _____ P.M. _____
SEP 5 1975
mary a Lee, deputy
J. W. Crutcher, clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTIES OF VALLEY AND ADA

* * * * *

STATE OF IDAHO,
Plaintiff,
-vs-
THOMAS EUGENE CREECH,
Defendant.

Case No. 2165-CR

AFFIDAVIT IN SUPPORT OF MOTION FOR ALLOWANCE OF SUBPOENA OF WITNESSES

STATE OF IDAHO)
) ss.
County of Canyon)

BRUCE O. ROBINSON, after being first duly sworn, deposes and says:

That he is Counsel of record for the Defendant, THOMAS EUGENE CREECH, and makes this Affidavit in support of Defendant's Motion for Allowance of Subpoena of Witnesses, the fees and mileage therefor to be charged against the County.

Your affiant states that all of the witneeses listed in the Motion, to be called by the defense, are necessary and proper and their evidence is material to the defense. That the testimony of each of said witnesses will be directed to the character and personality of the defendant, his life's past and mental defect, and his involvement in motivation of his Idaho charges. That the Defendant cannot safely go to trial without said testimony.

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/11/76
mary a Lee Clerk

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

That some of the Subpoenas for said witnesses have already been issued for reason that the Court was not available and that lead time for said Subpoenas was necessary to advise those being subpoenaed that they would be called to Wallace, Idaho, allowing them the ability to arrange their schedules and their work and professional activities to make themselves available to said Subpoenas.

Further, your affiant sayeth not.

BRUCE O. ROBINSON
Counsel for Defendant

SUBSCRIBED and SWORN to before me this 28th day of August, 1975.

Notary Public for Idaho
Residence; Nampa, Idaho

(SEAL)

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX R · NAMPA, IDAHO 83651

I certify that on the 2nd day of Sept., 1975, I placed in the U. S. Mail at Nampa, Idaho, postage prepaid, a copy of the foregoing instrument addressed to Counsel for Plaintiff
Lynn Thomas, Dep. Atty. Gen., Statehouse, Boise, Idaho 83701
Robert Remaklus, Pros. Atty., Valley Cnty. Courthouse, Cascade, Idaho 83611

Bruce O. Robinson

ROBERT H. REMAKLUS
VALLEY COUNTY PROSECUTING ATTORNEY
P.O. BOX 759
Cascade, Idaho 83611
Telephone: 382-4270

LYNN E. THOMAS
Deputy Attorney General
Special Assistant Prosecutor
Attorney General's Office
Statehouse, Boise, Idaho 83720
Telephone: 384-2400

ATTORNEYS FOR PLAINTIFF

FILED
A.M. _____ P.M. _____
SEP 8 1975
mary a Hill deputy
D. W. Bruesen clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO,
Plaintiff,
v.
THOMAS EUGENE CREECH,
Defendant.

NO. 2165

ORDER

The Court having reviewed the foregoing PLAINTIFF'S MOTION FOR DISCOVERY and considered the contents thereof, it is hereby ordered as follows:

I. That the Defendant shall permit the Plaintiff's counsel to inspect and copy or photograph books, papers, documents, photographs, tangible objects or copies or portions thereof, which are within the possession, custody or control of the Defendant and which Defendant intends to introduce in evidence at trial;

II. That the Defendant shall permit the Plaintiff to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, within the possession or control of the Defendant, which Defendant intends to introduce in evidence at trial,

STATE OF IDAHO, Fourth ... Valley, ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 9/9/76
mary a Hill Clerk

or which were prepared by a witness whom Defendant intends to call at the trial when the results or reports relate to testimony of the witness;

III. That the Defendant shall furnish the Plaintiff a list of names and addresses of all witnesses Defendant intends to call at trial;

IV. That the Defendant furnish the aforesaid list of witnesses, permit the inspection of the aforesaid documents and tangible objects, and furnish the aforesaid reports of examinations and tests on or before the 12th day of September, 1975, and further, that the aforesaid list of defense witnesses shall be furnished by mailing copies thereof to the prosecuting attorneys on or before the said date, and that the other incidents of discovery herein referenced be conducted on the 12th day of September, 1975, or other time agreeable to all parties, at the office of Defendant's counsel in Nampa, Idaho.

DATED This 8th day of September, 1975.

J. Ray Smith
District Judge

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,
Plaintiff,
v.
THOMAS EUGENE CREECH,
Defendant.

Sept. 5, 1975

No. 2165

ORDER

Filed Sept 8, 1975

J. [illegible]
District Judge

Plaintiff's Motion For Psychiatric Study came on before the court on the 5th day of September, 1975, and the court, being fully advised in the premises and in the law, and no objection having been made by the Defendant, now, therefore,

IT IS ORDERED That the Plaintiff's Motion For Psychiatric Study be granted and the Defendant, THOMAS EUGENE CREECH, is ordered to submit to complete psychiatric interviews and examination by Dr. F. LaMarr Heyrend, Boise, Idaho, at such times as the said Dr. F. LaMarr Heyrend may determine, and to complete psychological testing by a psychologist to be designated by the said Dr. F. LaMarr Heyrend.

The report of the said examining psychiatrist and psychologist should include:

a. A description of the nature of the examination;

b. A diagonsis of the mental condition of the defendant;

c. If the defendant suffers from a mental disease or defect, an opinion as to his capacity to understand the proceedings against him and to assist in his own defense;

d. An opinion as to the extent, if any, to which the capacity of the defendant to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated 5/14/76
Mary A Hull Clerk

of law was impaired at the time of the criminal conduct charged and

e. An opinion as to the capacity of the defendant to entertain mental states of malice aforethough and premeditation, all pursuant to the requirements of Idaho Code §18.211.

The said report shall be submitted as soon as practicable, but in any event not later than 1 October, 1975.

Defendant shall submit to such number of examinations as shall be necessary in the judgment of the examining psychiatrist.

DATED This 24 day of September, 1975.

District Judge

In the District Court of the Fourth Judicial District of the

State of Idaho, In and For the County of ~~XXX~~ VALLEY

The State of Idaho
Plaintiff

vs

Thomas Eugene Creech
Defendant

CERTIFICATE OF MAILING NOTICE
PURSUANT TO RULE 77 (d) I.R.C.P.

No. _____

FILED
Sept 9 1975
J W Crutcher, Clerk
mary a hill Deputy

I, J W. Crutcher, the undersigned authority, do hereby certify that I have mailed, by United States mail, one copy of the (listed below).

as notice pursuant to Rule 77 (d) I.R.C.P. to each of the attorneys of record in this cause in envelopes addressed as follows:

Ms Victoria White
Clerk of the District Court
Shoshone County
Box 1049
Wallace, Idaho 83873

Bruce O. Robinson
P O. Box 8
Nampa, Idaho 83651

Lynn Thomas
Deputy Attorney General
State House
Boise, Idaho

Robert H. Remaklus
P. O. Box 759
Cascade, Idaho 83611

Stipulation & Order
State's Motion for Production
State's Motion for Psychiatri Study
State's Motion for Discovery
Notice of Hearing (9-4-75)
Def's Motion for Discovery
Def's Notice of Association o Co-Counsel
Def's Motion
Def's Motion for Pre-Trial
Def's Motion for Allowance of Subpoena of Witnesses
Def's Affidavit in Support of Motion
Order

J. W. CRUTCHER
~~XXXXXXXXXXXXXXXXXX~~
CLERK OF THE DISTRICT COURT
Valley ~~XXXX~~ County, Idaho

By mary a hill
Deputy Clerk

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated 9/9/75
mary a hill Clerk

BRUCE O. ROBINSON
Attorney at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED
A.M. ____ P.M. ____
SEP 10 1975
mary a hill deputy
JW. Creecher, Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTIES OF VALLEY AND ADA

* * * * *

STATE OF IDAHO,
Plaintiff,
-vs-
THOMAS EUGENE CREECH,
Defendant.

Case No. 2165-CR

MOTION TO SUPPRESS EVIDENCE

COMES NOW the Defendant, above named, and moves this Court to Order a suppression of the Voluntary Statement allegedly made by the Defendant, THOMAS EUGENE CREECH, on or about the 8th day of November, 1974, for reason that the said Voluntary Statement was taken at a time when the said THOMAS EUGENE CREECH was under the influence of non-prescriptive drugs, i.e., LSD (window-pane form) and then and there not in control of his mental faculties, and not aware of the cautions and warnings he had been given in being entitled to counsel and his right not to make any statements without the advice and presence of counsel.

Dated this 10th day of September, 1975.

BRUCE O. ROBINSON
Counsel for Defendant

STATE OF IDAHO, County of Valley, ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/14/76
mary a hill Clerk

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

BRUCE O. ROBINSON
Attorney at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED

A.M. ..... P.M. .....

SEP 10 1975

mary a hill deputy
Ian Crabtree Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTIES OF VALLEY AND ADA

* * * * *

STATE OF IDAHO,

Plaintiff,

-vs-

THOMAS EUGENE CREECH,

Defendant.

Case No. 2165-CR

MOTION FOR SEPARATE EXAMINATION OF JURORS

COMES NOW the Defendant, above named, and moves the Court for its Order allowing the selection of the Jury to proceed by examination of each prospective juror out of the physical presence and hearing of the other prospective jurors. This Motion is based upon the fact that this cause heretofore had been scheduled for trial and the selection of a jury attempted in Cascade, Idaho, on or about the 20th day of May, 1975, and that the selection of the jury was not attained for reason of prejudice expressed or shown.

This Motion is further based upon the premise that each of the jurors queried on their qualifications to sit as a juror in this matter must be done in a manner so that the answers given by other jurors will not be adopted by the later queried jurors, and an unsound result be obtained therefrom.

It is recognized by the Defendant that this is a matter solely within the discretion of the Court and that there is no

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

STATE OF IDAHO, County of Valley, ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated 5/16/76
Mary a Hill Deputy

binding effect of any precedent on the Court in a matter of this nature. The Defendant, however, does strongly urge the Court to approve this manner of selecting the jury in the best interest of justice and all parties concerned.

Dated this 17th day of September, 1975.

BRUCE O. ROBINSON
Counsel for Defendant

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

BRUCE O. ROBINSON
Attorney at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED
SEP 10 1975
Mary A. Sell Deputy
Fee Check In called

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTIES OF VALLEY AND ADA

* * * * *

STATE OF IDAHO,
Plaintiff,
-vs-
THOMAS EUGENE CREECH,
Defendant.

Case No. 2165-CR

MOTION FOR CHANGE OF LOCATION OF TRIAL

COMES NOW the Defendant, by and through his counsel of record, and moves this Court for its Order allowing a change of location of the trial in the above entitled action, from Wallace, Shoshone County, Idaho, to Boise, Ada County, Idaho, said trial to commence as scheduled on October 6, 1975.

This Motion is made and based upon the Affidavit filed concurrently herein and upon the records and files in this action.

Dated this 10th day of September, 1975.

BRUCE O. ROBINSON
Counsel for Defendant

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated 5/14/76
Mary A. Sell Clerk

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

BRUCE O. ROBINSON
Attorney at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED
SEP 10 1975
mary a hill deputy
J.W. Carlson clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTIES OF VALLEY AND ADA

* * * * *

STATE OF IDAHO,
Plaintiff,
-vs-
THOMAS EUGENE CREECH,
Defendant.

Case No. 2165-CR

AFFIDAVIT IN SUPPORT OF MOTION FOR CHANGE OF LOCATION OF TRIAL

STATE OF IDAHO)
) ss.
County of Canyon)

BRUCE O. ROBINSON, after being first duly sworn, deposes and says:

That he is the attorney for the above-named Defendant and has been the Defendant's attorney since the 6th day of June, 1975.

That your affiant is fully aware of all of the events which occurred from November 3, 1974, up to and including his date of entry into the above entitled matter as counsel on June 6, 1975. Those familiarities include not only the out-of-state trips which were made with the defendant, Thomas Eugene Creech, but also the several sessions law enforcement had with the Defendant under the use of sodium amytalhypnosis and polygraph.

Your affiant has also familiarized himself with all

STATE OF IDAHO, County of
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated 9/10/76
mary a hill Clerk

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

aspects of the publication by the media as to the circumstances involving the Defendant, Thomas Eugene Creech, and the reasons for this Court declaring a mistrial on May 22, 1975 in Valley County, Idaho, as a result of the Court's determination that an unbiased, unprejudiced jury could not be selected in the said Valley County, State of Idaho, to try this case.

Your affiant did on or about the 10th day of July, 1975, and again on the 7th day of August, 1975, argue to the Court that the above entitled matter could be tried in the city of Boise, Ada County, State of Idaho, as well as the same could be tried at Wallace, Shoshone County, State of Idaho. The Court, however, at that time, and under the circumstances and information then available to the Court, transferred the venue of the case to Wallace, Shoshone County, State of Idaho.

The events which have now taken place since the Court's decision are that no Judge normally sitting in the First District of the State of Idaho could break from their schedule and calendars to preside at the trial of this matter and the Judge to be appointed was remanded to the consideration of the Court Coordinator attached to the Supreme Court of the State of Idaho. His Honor, the Honorable J. Ray Durtschi, has been reappointed to preside at the trial of this matter and the said Judge Durtschi resides in the City of Boise and has his chambers there.

That the prospective witnesses to be called to testify in this matter, for the most part, reside in Southwestern Idaho, and since the trial of this matter appears to be one which will be protracted and of lengthly duration, the expenses to be incurred by both the State and the defense are prohibitive.

Your affiant has, for a period of two months, been attempting to obtain housing arrangements for himself and staff in the Wallace area, to no avail. Your affiant has been seeking

either a home, an apartment, or a trailer home, and finds none to be available. Your affiant believes and therefore states that housing facilities for the witnesses will be practically non-existent. Your affiant believes and therefore states that should a jury be necessary in this case, the jury would be sequested after their selection and adequate housing facilities for the jury would not be readily available.

The Ada County jail facilities are as adequate as are the jail facilities of Shoshone County, and the overall security of the Ada County Court and jail facilities are as much, if not greater than the facilities of Shoshone County.

The personnel involved in the prosecution of this case are from the State of Idaho, i.e., Cascade, Idaho, and Boise, Idaho. Counsel for the defendant resides at Nampa, Idaho.

The area of Ada County, State of Idaho, has a much greater population than the area of Shoshone County, Idaho, and, therefore, a larger populated group from which to select a jury.

On the 2nd day of September, 1975, when there had in fact been absolutely no activity in the above entitled case, the Idaho Statesman again published an account of the Creech case, as a reminder to its reading public that the case was still pending and scheduled for trial October 6, 1975. A copy of this publication is attached hereto and marked Exhibit "1". This information originally from the Statesman at Boise, Idaho, was apparently put on the news wires since it was published almost verbatim in the Spokane Daily Chronicle on Tuesday, September 2, 1975. A copy of said publication is attached hereto marked Exhibit "2". The Spokane Daily Chronicle has a general circulation in the Northern Idaho area and specifically in Coeur D'Alene, Kellogg and Wallace.

The article published by the Statesman, and news wired,

BRUCE O. ROBINSON . ATTORNEY AT LAW . P. O. BOX 8 . NAMPA, IDAHO 83651

relates among other things the following: "Ada County Sheriff, E. C. Palmer says Creech has been taken to several different states to lead authorities on searches for bodies of murder victims". It is your affiant's belief, and he therefore states that the new medias' releases made in late 1974 and up until this Court's Publicity Order dated May 27, 1975, have had a prejudicial effect in all areas of the State of Idaho, including Wallace, Idaho. That the recent publication on September 2, 1975, and released by the news wire service to the Spokane Daily Chronicle, has had a much more prejudicial effect on the city of Wallace, Idaho, than the same has had on the City of Boise.

Your affiant believes and therefore states that Wallace, Idaho, being the small community that it is, has been, and is more effected by the media releases for the fact that Thomas Eugene Creech is to be tried in their communtiy, than does the effect of the new publications and opinions by the City of Boise. In the City of Boise, Ada County, the Thomas Eugene Creech case would not be the only activity going on in the County.

The extra costs of transportation for all persons involved, including attorneys, their staff and witnesses, make the trial of this matter in Wallace, Idaho, economically prohibitive.

On or about the 5th day of September, 1975, your affiant did advise this Court of the total aspects of the defendant's theories to produce at the trial of this matter. Those expounded by your affiant would include the probable full disclosure of all activities the Defendant has engaged in in his lifetime. The theories of the defense, in your affiant's opinion, will be undisputed by this court for the purpose of showing the entire character of the defendant, which the jury is entitled to know. The theories expounded for full disclosure, in the estimation

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

of your affiant, would be advantageous for all purposes to show motivation of the Defendant in the circumstance of the two deaths he is accused of in the State of Idaho.

It is your affiant's belief, and he therefore states that whether this casae is tried to the Court sitting without a jury, or to the Court with a jury, that a fair, unbiased and unprejudiced trial can be held in the City of Boise, Ada County, State of Idaho. For all of the above-mentioned reasons, your affiant does sincerely submit to the Court's consideration, the Motion to set the locale for the trial in the above entitled matter in the City of Boise, Ada County, State of Idaho, to commence as scheduled on the 6th day of October, 1975.

Dated this 10th day of September, 1975.

BRUCE O. ROBINSON

SUBSCRIBED and SWORN to before me this 10TH day of September, 1975.

Notary Public for Idaho
Residence: Nampa, Idaho

(SEAL)

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

EXHIBIT "1"

Statesman Sept 2, 1975

Judge Sets Trial Date For Creech

The Associated Press

The first degree murder trial of Thomas Eugene Creech, which may be one of the longest in Idaho history, will begin Oct. 6 in Wallace, District Judge J. Ray Durtschi said Monday.

Durtschi said he didn't know how long the trial may last, but Creech's attorney, Bruce O. Robinson of Nampa, said it will take three to six weeks for the defense to present its case.

Creech, 24, is charged with slaying Thomas Edward Arnold, 34, Lancaster, Tex., and John Wayne Bradford, 40, Brownsboro, Ala., and leaving their bodies alongside the highway south of Donnelly last November.

Creech's trial was transferred from Valley County to Wallace last May when Durtschi ruled that because of pretrial publicity Creech could not receive a fair trial in Cascade.

After Durtschi's decision to move the trial, Creech was shuffled from jail to jail. He has been held periodically in the Idaho County jail in Grangeville and in the Ada County jail in Boise.

Early in August, he was transferred to the modern Shoshone County jail in Wallace.

Less thann a week after he was transported to Wallace to await his trial, Creech was hospitalized for a brief time after he fell from his cell bunk.

Ada County Sheriff E.C. Palmer says Creech has been taken to several different states to lead authorities on searches for bodies of murder victims.

In May, Creech narrowly escaped injury when a plane crash-landed on the desert while bringing him back from Barstow, Calif.

EXHIBIT "2"

14 Spokane Daily Chronicle, Tuesday, Sept. 2, 1975.

Murder Trial Expected Long

BOISE, Idaho (AP) — A murder trial which attorneys say may be the longest in Idaho history has been scheduled to start Oct. 6 in Wallace, District Judge J. Ray Durtschi said Monday.

Durtschi said he didn't know how long the trial may last, but Bruce O. Robinson of Nampa estimated it will take three to six weeks for him to present a defense for Thomas Eugene Creech, 24.

Creech is charged with slaying Thomas Edward Arnold, 34, Lancaster, Tex., and John Wayne Bradford, 40, Brownsboro, Ala., and leaving their bodies alongside the highway south of Donnelly last November.

The trial was transferred to Wallace last May when Durtschi ruled Creech could not receive a fair trial in Cascade because of pre-trial publicity.

Creech, a former church sexton at Portland, Ore., also is wanted by Oregon authorities.

He faces first-degree murder charges in that state in a pair of 1974 shooting deaths.

Ada County Sheriff E. C. Palmer says Creech has been taken to several different states to lead authorities on searches for bodies of murder victims. In May Creech narrowly escaped injury when a plane crash landed on the desert while bringing him back from Barstow, Calif.

BRUCE O. ROBINSON
Attorney at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED
A.M. ..... P.M.
SEP 10 1975
mary a. hill deputy
Jay Christensen clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

* * * * *

STATE OF IDAHO,
Plaintiff,
-vs-
THOMAS EUGENE CREECH,
Defendant.

Case No. 2165-CR

MOTION FOR TRIAL TO THE COURT WITHOUT A JURY

COMES NOW, THOMAS EUGENE CREECH, by and through his Counsel of Record, BRUCE O. ROBINSON, and moves the Court to grant an Order allowing this matter to be tried to the Court setting without a jury. This motion is based upon the belief of the Defendant and his counsel that a true legal interpretation of the facts of circumstances warrants only a finding of second degree murder in the occurrences which took place in the state of Idaho that are subject matter of these charges. This motion is further based upon the fact that there has heretofore been prejudicial news media released which will be extremely difficult to cure and correct in any local in the state of Idaho. This motion is also based upon the fact that in the recitation of witnesses testimony the extreme coarse, crude and profane language which is a part and parcel of the entire state and defense presentation will in and of itself cause prejudice among the various members of

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated 5/14/76
mary a hill Clerk

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

the jury. The testimony of witnesses and statements to be admitted contain such coarse, crude and profane language that the jury members will suffer extreme embarrassment which may in and of itself be a cause for juror challenging and difficulty in selecting a fair, unbaised and unprejudice jury.

Dated this 10th day of September, 1975.

BRUCE O. ROBINSON
Attorney for Defendant

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 9 · NAMPA, IDAHO 83651

BRUCE O. ROBINSON
Attorney at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED

SEP 10 1975

Mary A. Hill Deputy
J.W. Crutcher, Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTIES OF VALLEY AND ADA

* * * * *

STATE OF IDAHO,

Plaintiff,

-vs-

THOMAS EUGENE CREECH,

Defendant.

Case No. 2165-CR

DEFENDANT'S LIST OF WITNESSES IN RESPONSE TO COURT'S DISCOVERY ORDER

The names and addresses of all prospective witnesses anticipated to be called by the Defendant, at the present time are as follows:

The Rt. Rev. Hanford L. King, [redacted]

Bishop Sylvester W. Treinen, [redacted]

Edwin Z. Stuart, [redacted]

Sheriff Darrold Lyndskey, Valley County Sheriff, Cascade, Idaho;

Sheriff Lou Gardner, Shoshone County Sheriff, Wallace, Idaho;

Jon Barnes, [redacted]

Dr. Michael Estess, [redacted]

Dr. J. O. Boxall, [redacted]

Dr. David Weeks, [redacted]

Sheriff Chuck Palmer, [redacted]

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/14/76
Mary A. Hill Clerk

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

Dr. F. LaMar Heyrend, [redacted]

Charles Horner, [redacted]

Lt. Dave Segel, [redacted]

Sgt. Tom Taylor, [redacted]

Bud Mason, Chief of Narcotics, [redacted]

Carol Spaulding, [redacted]

Dr. A. M. Peterson, [redacted]

Anton Szandor LaVey, [redacted]

Gene Elsheimer, Chief Deputy, Shoshone County Sheriff's Office, Wallace, Idaho;

John Wickersham, Nampa, Idaho;

Bill Creech, Cincinnati, Ohio;

Lynn Plowman, Meridian, Idaho;

Jim Hileman, Adams County Sheriff, Council, Idaho;

Tom Ambrose, [redacted]

Dated this 10th day of September, 1975.

BRUCE O. ROBINSON
Counsel for Defendant

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

BRUCE O. ROBINSON
Attorney at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED

SEP 10 1975

Mary A. Sell Deputy
J. W. Creech, Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTIES OF VALLEY AND ADA

* * * * *

STATE OF IDAHO,

Plaintiff,

-vs-

THOMAS EUGENE CREECH,

Defendant.

Case No. 2165-CR

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of September, 1975, I served a copy of the following listed documents:

Motion for Trial to the Court Without a Jury;

Defendant's List of Witnesses in Response to Court's Discovery Order;

Motion for Change of Location of Trial;

Affidavit in Support of Motion for Change of location of trial;

Motion for Separate Examination of Jurors;

Motion to Suppress Evidence.

in the above entitled action upon the following:

LYNN THOMAS, Deputy Attorney General, Statehouse, Boise, Idaho 83702; and
ROBERT REMAKLUS, Prosecuting Attorney Valley County Courthouse, Cascade, Idaho 83611

by depositing a copy of the same in the United States mail, postage prepaid, in an envelope to the above named attorneys at their addresses as the same are last known to me.

BRUCE O. ROBINSON
Counsel for Defendant

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated 5/24/76
Mary A. Sell Clerk

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

ROBERT H. REMAKLUS
Valley County Prosecuting Attorney
P.O. Box 759
Cascade, Idaho 83611
Telephone: 382-4270

LYNN E. THOMAS
Deputy Attorney General
Special Assistant Prosecutor
Attorney General's Office
Statehouse, Boise, Idaho 83720
Telephone: 384-2400

ATTORNEYS FOR PLAINTIFF

FILED
A.M. _____ P.M. _____
SEP 10 1975
mary a. Sell - Deputy
J. W. Crutcher - Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO,

Plaintiff,

v.

THOMAS EUGENE CREECH,

Defendant.

No. 2165

MOTION IN LIMINE

The State of Idaho moves that the following be excluded at trial for the reasons stated:

A. Evidence of the Defendant's alleged involvement with satanic cults and of his alleged witness to human sacrifies performed in connection therewith, for the reason that such evidence is irrelevant;

B. The testimony of Anton Azandor Lavey on any matter not related to facts tending to prove or disprove the charges pending against defendant, for the reason that such testimony would be irrelevant;

C. Evidence of other crimes which Defendant is purported to have committed except to the extent that such evidence is relevant when tested by existing case law standards governing the admissibility of such evidence, for the reason of irrelevance;

D. Evidence of the Defendant's alleged involvement with criminal syndicates, prominent public figures and others in criminal enterprises unless such evidence is shown to be relevant to proof or disproof of the charges pending against Defendant, herein, for the reason of irrelevance;

E. Evidence of or related to the philosophy of satanism, exorcism, possession by demons and any related evidence, on the ground of irrelevance;

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated 5/21/76
mary a. Sell Clerk

F. Evidence of the Defendant's purported involvement with motorcycle gangs except to the extent that such may be legitimately relevant to issues raised by the pending charges.

Plaintiff further moves that in the event Defendant plans to offer evidence in any of the above categories, Defendant be required to show the substance of such testimony prior to trial in order that its relevance or lack thereof may be determined in advance of trial.

DATED This 10th day of September, 1975.

ROBERT H. REMAKLUS
Valley County Prosecuting Attorney

Lynn E. Thomas
LYNN E. THOMAS
Deputy Attorney General
Special Assistant Prosecutor

ATTORNEYS FOR THE
STATE OF IDAHO

CERTIFICATE OF MAILING

I HEREBY CERTIFY That a true and correct copy of the foregoing MOTION IN LIMINE was placed in the United States mail, postage prepaid, and addressed to BRUCE O. ROBINSON, P.O. Box 8, Nampa, Idaho 83651, Attorney for Defendant.

DATED This 10th day of September, 1975.

James F. Kile
JAMES F. KILE
Assistant Attorney General
State of Idaho

In the District Court of the Fourth Judicial District of the State of Idaho, In and For the County of ~~XXX~~ VALLEY

The State of Idaho
Plaintiff

vs

Thomas Eugene Creech
Defendant

CERTIFICATE OF MAILING NOTICE
PURSUANT TO RULE 77 (d) I.R.C.P.

~~XXX~~ FILED
A.M. ..... P.M. .....
SEP 10 1975
J. W. Crutcher, Clerk By Mary A. Hill Deputy

I, J. W. Crutcher, the undersigned authority, do hereby certify that I have mailed, by United States mail, one copy of the

Motion in Limine

as notice pursuant to Rule 77 (d) I.R.C.P. to each of the attorneys of record in this cause in envelopes addressed as follows:

Ms Victoria White
Clerk of the District Court
P. O. Box 1049
Wallace, Idaho 83873

Bruce O. Robinson
P. O. Box 8
Nampa, Idaho 83651

Lynn Thomas
State House
Boise, Idaho 83720

Robert H Remaklus
P. O. Box 759
Cascade, Idaho 83611

J. W. CRUTCHER
~~XXXXXXXXXXXXXXXXXXXX~~
CLERK OF THE DISTRICT COURT
Valley ~~XXX~~ County, Idaho

By Mary A. Hill
Deputy Clerk

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/14/96
Mary A. Hill Clerk

ROBERT H. REMAKLUS
Valley County Prosecuting Attorney
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

LYNN E. THOMAS
Deputy Attorney General
Special Assistant Prosecutor
Attorney General's Office
Statehouse, Boise, Idaho 83720
Telephone: 384-2400

FILED

SEP 15 1975

Mary A. Hill, Deputy
Ex Oficio, Clerk

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant.	Criminal Case No. AFFIDAVIT IN SUPPORT OF ORDER FOR COMPULSORY ATTENDANCE OF WITNESSES

STATE OF IDAHO)
) ss.
County of Valley)

Robert H. Remaklus, being first duly sworn upon oath, deposes and says:

That he is Prosecuting Attorney of Valley County, Idaho, and makes this Affidavit in support of Plaintiff's Motion for an order to be endorsed on each subpoena, for compulsory attendance of witnesses in the above entitled action pursuant to the provisions of Section 19-3009, Idaho Code.

That the testimony and evidence of all the witnesses hereinafter named are material and that the attendance of all such witnesses at the trial of the above entitled action is necessary; that none of such witnesses reside in Shoshone County, Idaho the County wherein such trial shall be held and none of such witnesses shall be served with subpoenas in such County.

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/14/76
Mary A. Hill Clerk

That the names and addresses of such witnesses are as follows:

Loring Beals, [redacted]

Ann Bradley, [redacted]

Dr. Michael Estess, [redacted]

Johnnie I. Hill, [redacted]

William Hill, [redacted]

Gene Hawker, [redacted]

Dr. F. Larmar Heyrend, [redacted]

Roy Lynn Hull, [redacted]

Lester Kelley, [redacted]

Alvin R. Mason, [redacted]

George Menzik, [redacted]

Charles Palmer, [redacted]

Ted Nelson, [redacted]

Dr. Delbert E. Scott, [redacted]

William Schreiber, [redacted]

Martha Spaulding, [redacted]

Burton Walker, [redacted]

Wesley Woodall, [redacted]

Richard Gilliam, [redacted]

Laurins Herrick, [redacted]

Steve Hager, [redacted]

Earl Breashers, [redacted]

Steven Paul Rivers, [redacted]

Robert H. Remaklus
Attorney for Plaintiff

SUBSCRIBED AND SWORN to before me this 9th day of September, 1975.

Notary Public for Idaho
Residence; Cascade, Idaho

CERTIFICATE OF MAILING

I hereby certify that on the _____day of September, 1975, I placed in the U. S. Mail at Cascade, Idaho, postage prepaid, a copy of the foregoing Affidavit to Mr. Bruce O. Robinson, Attorney at Law, P. O. Box 8, Nampa, Idaho 83651.

Robert H. Remaklus
Prosecuting Attorney

BRUCE O. ROBINSON
Attorney at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED
SEP 15 1975
Mary A Hall deputy
I W Crutcher clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTIES OF VALLEY AND ADA

* * * * *

STATE OF IDAHO,
Plaintiff,
-vs-
THOMAS EUGENE CREECH,
Defendant.

Case No. 2165-CR

ORDER FOR DISCOVERY AND INSPECTION

The Court having reviewed the Defendant's Motion for Discovery and Inspection, and considered the contents thereof, it is hereby ordered as follows:

1. That the Plaintiff shall permit the Defendant's counsel to inspect and copy or photograph books, papers, documents, photographs, tangible objects or copies or portions thereof, which are within the possession, custody or control of the Plaintiff and which Plaintiff intends to introduce in evidence at trial;

2. That the Plaintiff shall permit the Defendant to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, within the possession or control of the Plaintiff, which Plaintiff intends to introduce in evidence at trial, or which were prepared by a witness whom Plaintiff intends to call at the trial

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Date 5/14/76
mary a Hall Clerk

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

when the results or reports relate to testimony of the witness;

3. That the Plaintiff shall furnish the Defendant a list of names and addresses of all witnesses Plaintiff intends to call at trial;

4. That the Plaintiff furnish the aforesaid list of witnesses, permit the inspection of the aforesaid documents and tangible objects, and furnish the aforesaid reports of examinations and tests on or before the 12th day of September, 1975, and further, that the aforesaid list of plaintiff witnesses shall be furnished by mailing copies thereof to the defense counsel on or before the said date, and that the other incidents of discovery herein referenced be conducted on the 12th day of September, 1975, or other time agreeable to all parties, at the office of defendant's counsel in Nampa, Idaho.

Dated this 15th day of September, 1975.

DISTRICT JUDGE

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 1 · NAMPA, IDAHO 83651

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH Defendant.	Criminal no. 2165 Certificate Under Uniform Act to Secure Attendance of Witness (Idaho Code Section 19-3005)

Filed - 9/15/75 - 9:00 A.M.
J. Thomas Logsdon
District Judge

Petition having been filed herein by Robert H. Remaklus, Prosecuting Attorney for Valley County, State of Idaho, pursuant to Idaho Code Section 19-3005, that one Steven Paul Rivers be directed and authorized to appear and attend the trial in the above entitled matter, on October 9th and October 10th, 1975, and it appearing that said witness is material and necessary to the prosecution;

It is hereby certified that Steven Paul Rivers be directed by Judge of a Court of record of Multnomah County, State of Oregon, to appear and attend the trial in the above entitled matter, in which trial testimony will commence at ten o'clock A.M. on October 9th, 1975, and that said witness shall be required to attend such trial for a period of not less than two (2) days.

IT IS FURTHER ORDERED that said witness will be tendered mileage and daily allowance provided by law and statutes of the State of Idaho.

ENTERED this 16th day of September, 1975.

J. Thomas Logsdon
District Judge

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/14/96
Mary A. Hill Clerk

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH Defendant.	Criminal no. PETITION TO COMPEL ATTENDANCE OF OUT OF STATE WITNESS

* * *

COMES NOW Robert H. Remaklus, Prosecuting Attorney of Valley County, Idaho, and does hereby petition the above entitled Court as follows:

1. That trial of the above entitled matter, being a criminal prosecution upon two counts of murder in the first degree, is now pending and trial proceedings will commence Monday, October 6, 1975, at ten o'clock A. M.

2. That Steven Paul Rivers is a material witness for the State of Idaho in said cause and resides at 1432 N. E. 69th Avenue, Portland, Oregon, a State wherein provision is made by law to command persons to attend and testify in criminal prosecutions.

WHEREFORE, it is requested that a Certificate be issued affirming the necessity of said person as a witness and authorizing that he be directed by a Judge of Court of record in the State of Oregon, County of Multnomah, to appear and attend such trial for a period of not less than two (2) days.

DATED this 11th day of September, 1975.

Robert H. Remaklus
Prosecuting Attorney
Valley County, Idaho

I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Date: 5/14/76
Mary A Hall — Clerk

O R D E R

Upon the above Petition and good cause appearing, IT IS ORDERED that the Clerk of the Valley County Court shall advance the sum of $92.74 to Steven Paul Rivers, to be forthwith delivered as advance witness fees and mileage, to secure the attendance of said person as a witness in the above entitled action from 1432 N.E. 69th Avenue, Portland, Oregon.

Dated this 16th day of September, 1975.

District Judge

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant.	Criminal case no. 2165 PETITION TO ADVANCE FEES

Filed: 9/15/75 - 9:00 a.m.
J. [illegible]
District Judge

Robert H. Remaklus, Prosecuting Attorney of Valley County, Idaho, request the above entitled Court to direct the Valley County Clerk to advance $76.74 as mileage fees, together with attendance fees in the sum of $16.00, for out of State witness required to testify in the trial of the above cause; said witness resides at 1432 N.E. 69th Avenue, Portland, Oregon, and the law provides for $.25 cents per mile: said witness will be required for two (2) days and the law provides for attendance fees at the rate of $8.00 per day.

Dated this 11th day of September, 1975.

Robert H. Remaklus
Prosecuting Attorney
Valley County, Idaho

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 6/14/76
Mary A. Hall Clerk

In the District Court of the Fourth Judicial District of the

State of Idaho, In and For the County of Ada

No. _____

FILED

A.M. _____ P.M. _____

SEP 15 1975

mary a hill, Deputy

The State of Idaho
Plaintiff

vs

Thomas Eugene Cr
Defendant

CERTIFICATE OF MAILING NOTICE
PURSUANT TO RULE 77 (d) I.R.C.P.

I, J. W. Crutcher, the undersigned authority, do hereby certify that I have mailed, by United States mail, one copy of the (listed below) as notice pursuant to Rule 77 (d) I.R.C.P. to each of the attorneys of record in this cause in envelopes addressed as follows:

MsVictoria White
Clerk of the District Court
Shoshone County
Box 1049
Wallace, Idaho 83873

Bruce O. Robinson
P. O. Box 8
Nampa, Idaho 83651

Lynn Thomas
Deputy Attorney Gene 1
State House
Boise, Idaho 83720

Robert H. Remaklus
P. O. Box 759
Cascade, Idaho 83611

Affidavit in Support of Order for Compulsory Attendance of Witnesses
Order for Discovery and Inspection
Motion for Separate Examination of Jurors
Motion to Suppress Evidence
Motion for Change of Location of Trial
Affidavit in Support of Motion for Change of Loeation of Trial
Certificate of Mailing
Defendant's List of Witnesses in Response to Court's Discovery Order
Motion for Trial to the Court Without a Jury

The Above plus the following sent to Clerk of the District Court Shoshone County:
Petition to Advance Fees
Petiton to Compel Attendance of Out of State Witness
Certificate Under Uniform Act to Secure Attendance of Witness

J. W. CRUTCHER
CLERK OF THE DISTRICT COURT
Valley County, Idaho

By mary a hill
Deputy Clerk

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/11/76
mary a hill Clerk

BRUCE O. ROBINSON
Attorney at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED
A.M. ____ P.M. ____
SEP 17 1975
Mary A. Hill, deputy
J. W. Creteher

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * * * *

STATE OF IDAHO,
Plaintiff,
-vs-
THOMAS EUGENE CREECH,
Defendant.

No. 2165

M O T I O N

COMES NOW the above-named Defendant by and through his Counsel of record, BRUCE O. ROBINSON, Attorney at Law, Nampa, Idaho, and moves this Court for its Order requiring the 1955 Buick automobile, I.D. #VIN-7B 4066 337 presently being held in Cascade, Idaho, to be available for viewing by the jury at the site of the trial of the above-entitled action.

Dated this 17th day of September, 1975.

BRUCE O. ROBINSON
Attorney for Defendant

I certify that on the 17th day of Sept. 1975 I placed in the U.S. Mail at Nampa, Idaho, postage prepaid, a copy of the foregoing instrument addressed to Counsel for Plaintiff

Lynn Thomas
Deputy Attorney Gen.
Statehouse
Boise, Idaho 83702

Robert Remaklus,
Prosecuting Attorney
Valley County Courthouse
Cascade, Idaho 83611

Bruce O. Robinson

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated 5/24/76
Mary A. Hill Clerk

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

BRUCE O. ROBINSON
Attorney at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED
A.M. ..... P.M. .....
SEP 22 1975
mary a hill, deputy
J. W. Eastman, Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * * * *

STATE OF IDAHO,

Plaintiff,

-vs-

THOMAS EUGENE CREECH, aka TOM TURNER, aka JOE CARL ADAMS, aka RICHARD DENNIS, JR.,

Defendant.

Case No. 2165-CR

ORDER GRANTING MOTION FOR SEPARATE EXAMINATION OF JURORS

A Motion having been made by the Defendant in the above entitled action for separate examination of jurors, and there being no objections thereto, the Court did Order, and this does hereby Order that the jurors shall be separately examined out of the presence and hearing of the other jurors.

Dated this 22d day of September, 1975.

DISTRICT JUDGE

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 8365

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/14/76
mary a hill Clerk

BRUCE O. ROBINSON
Attorney at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED

mary a hill. deputy
J.O. Crutcher clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * * * *

STATE OF IDAHO,

Plaintiff,

-vs-

THOMAS EUGENE CREECH, aka TOM TURNER, aka JOE CARL ADAMS, aka RICHARD DENNIS, JR.,

Defendant.

Case No. 2165-CR

ORDER GRANTING MOTION FOR PRE-TRIAL CONFERENCE

A Motion having been made by the Defendant in the above entitled action for a Pre-Trial Conference to be held at Wallace, Idaho, the Court being fully advised in the premises, and there being no objection thereto, it is hereby Ordered, and this does hereby Order that a Pre-Trial Conference shall be held in the above entitled action at Wallace, Idaho, on the 3rd day of October, 1975.

Dated ths 22d day of September, 1975.

J. Ray Smith
DISTRICT JUDGE

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/14/96
mary a hill Clerk

BRUCE O. ROBINSON
Attorney at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED
SEP 22 1975
mary a hill deputy
J. W. Crudekew clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * * * *

STATE OF IDAHO,

Plaintiff,

-vs-

THOMAS EUGENE CREECH, aka TOM TURNER, aka JOE CARL ADAMS, aka RICHARD DENNIS, JR.,

Defendant.

Case No. 2165-CR

ORDER DENYING PLAINTIFF'S MOTION IN LIMINE

A Motion In Limine having been made by the Plaintiff regarding the exclusion of any and all evidence regarding satanism, demonism, possession, satanic cult, etc., and the court having heard oral argument of counsel, and being then and there fully advised in the premises, Orders and this does hereby Order that the Plaintiff's Motion in Limine is hereby denied, with a specific Order that neither counsel for the Plaintiff nor counsel for the Defendant will offer any evidence relating to such evidence in the presence or hearing of the jury, without giving the Court an opportunity to rule on the same prior to trial. That any counsel that violates this order will be held in contempt of the Court.

Dated this 22nd day of September, 1975.

J. Ray Smith
DISTRICT JUDGE

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated 5/14/76
mary a hill Clerk

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

BRUCE O. ROBINSON
Attorney at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED
22
mary a hill deputy
J. W. Crudchew clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * * * *

STATE OF IDAHO,

Plaintiff,

-vs-

THOMAS EUGENE CREECH, aka TOM TURNER, aka JOE CARL ADAMS, aka RICHARD DENNIS, JR.,

Defendant.

Case No. 2165-CR

ORDER DENYING PLAINTIFF'S MOTION IN LIMINE

A Motion In Limine having been made by the Plaintiff regarding the exclusion of any and all evidence regarding satanism, demonism, possession, satanic cult, etc., and the court having heard oral argument of counsel, and being then and there fully advised in the premises, Orders and this does hereby Order that the Plaintiff's Motion in Limine is hereby denied, with a specific Order that neither counsel for the Plaintiff nor counsel for the Defendant will offer any evidence relating to such evidence in the presence or hearing of the jury, without giving the Court an opportunity to rule on the same prior to trial. That any counsel that violates this order will be held in contempt of the Court.

Dated this 22nd day of September, 1975.

DISTRICT JUDGE

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/21/76
mary a hill Clerk

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

O R D E R

Upon the above Petition and good cause appearing, IT IS ORDERED that the Clerk of the Valley County Court shall advance the sum of $92.74 to Linda Crandall, to be forthwith delivered as advance witness fees and mileage, to secure the attendance of said person as a witness in the above entitled action from _____.

DATED this 22d day of September, 1975.

District Judge

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

FILED

SEP 22 1975

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

STATE OF IDAHO,
Plaintiff,
vs.
THOMAS EUGENE CREECH,
Defendant.

Criminal Case No.

PETITION TO ADVANCE FEES

Robert H. Remaklus, Prosecuting Attorney of Valley County, Idaho, request the above entitled Court to direct the Valley County Clerk to advance $76.74 as mileage fees, together with attendance fees in the sum of $16.00, for out of State witness required to testify in the trial of the above cause; said witness resides at _____, and the law provides for $.25 cents per mile: said witness will be required for two (2) days and the law provides for attendance fees at the rate of $8.00 per day.

DATED this 22nd day of September, 1975.

Robert H. Remaklus
Prosecuting Attorney
Valley County, Idaho

STATE OF IDAHO, County of Valley, ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in my office.
Dated: 5/14/76
Mary A. Hill

ROBERT H. REMAKLUS
P.O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

FILED
____ P.M.
SEP 22 1975
____, Deputy
Clerk

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant.	Criminal No. Certificate Under Uniform Act to Secure Attendance of Witness (Idaho Code Section 19-3005)

***

Petition having been filed herein by Robert H. Remaklus, Prosecuting Attorney for Valley County, State of Idaho, pursuant to Idaho Code Section 19-3005, that one Linda Crandall be directed and authorized to appear and attend the trial in the above entitled matter, commencing October 6, 1975, and it appearing that said witness is material and necessary to the prosecution;

It is hereby certified that Linda Crandall be directed by Judge of a Court of record of Multnomah County, State of Oregon, to appear and attend the trial in the above entitled matter, in which trial testimony will commence at ten o'clock A.M. on October 6, 1975, and that said witness shall be required to attend such trial for a period of not less than two (2) days and for such other time as the presence of such witness shall be required.

IT IS FURTHER ORDERED that said witness will be tendered mileage and daily allowance provided by law and statutes of the State of Idaho.

ENTERED this 22nd day of September, 1975.

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 9-22-75
Mary A. Lee Clerk

District Judge

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

FILED
P.M.
SEP 22 1975
mary a. hill deputy
J.W. Crutchers, clerk

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

STATE OF IDAHO,

Plaintiff,

vs.

THOMAS EUGENE CREECH

Defendant.

Criminal no.

PETITION TO COMPEL ATTENDANCE OF OUT OF STATE WITNESS

* * *

COMES NOW Robert H. Remaklus, Prosecuting Attorney of Valley County, Idaho, and does hereby petition the above entitled Court as follows:

1. That trial of the above entitled matter, being a criminal prosecution upon two counts of murder in the first degree, is now pending and trial proceedings will commence Monday, October 6, 1975, at ten o'clock A.M.

2. That Linda Crandall is a material witness for the State of Idaho in said cause and resides at _____ [redacted] a State wherein provision is made by law to command persons to attend and testify in criminal prosecutions.

WHEREFORE, it is requested that a Certificate be issued affirming the necessity of said person as a witness and authorizing that she be directed by a Judge of Court of record in the State of Oregon, County of Multnomah, to appear and attend such trial for a period of not less than two (2) days.

DATED this 22nd day of September, 1975.

Robert H. Remaklus
Prosecuting Attorney
Valley County, Idaho

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/24/76
mary a. hill Clerk

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

FILED
SEP 22 '75
mary a. hull, deputy
J.W. Crutcher, Clerk

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant.

Criminal Case No.

PETITION TO ADVANCE FEES

* * *

Robert H. Remaklus, Prosecuting Attorney of Valley County, Idaho, request the above entitled Court to direct the Valley County Clerk to advance $59.25 as mileage fees, together with attendance fees in the sum of $16.00, for out of State witness required to testify in the trial of the above cause; said witness resides at [redacted], Washington, and the law provides for $.25 cents per mile: and said witness will be required for two (2) days and the law provides for attendance fees at the rate of $8.00 per day.

DATED this 22nd day of September, 1975.

Robert H. Remaklus
Prosecuting Attorney
Valley County, Idaho

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court
Dated: 6/14/76
mary a. hull, Clerk

O R D E R

Upon the above Petition and good cause appearing, IT IS ORDERED that the Clerk of the Valley County Court shall advance the sum of $105.29 to Becky Hilby , to be forthwith delivered as advance witness fees and mileage, to secure the attendance of said person as a witness in the above entitled action from 961 17th. Street Longview, Washington.

DATED this 22 day of Sept., 1975.

District Judge

ROBERT H. REMAKLUS
P.O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

FILED
P.M.
SEP 22 1975
mary a lee deputy
J.W. Crutcher, clerk

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant.	Criminal No. Certificate Under Uniform Act to Secure Attendance of Witness (Idaho Code Section 19-3005)

***

Petition having been filed herein by Robert H. Remaklus, Prosecuting Attorney for Valley County, State of Idaho, pursuant to Idaho Code Section 19-3005, that one Becky Hilby be directed and authorized to appear and attend the trial in the above entitled matter, commencing October 6, 1975, and it appearing that said witness is material and necessary to the prosecution;

It is hereby certified that Becky Hilby be directed by Judge of a Court of record of Cowlitz County, State of Washington, to appear and attend the trial in the above entitled matter, in which trial testimony will commence at ten o'clock A.M. on October 6, 1975, and that said witness shall be required to attend such trial for a period of not less than two (2) days and for such other time as the presence of such witness shall be required.

IT IS FURTHER ORDERED that said witness will be tendered mileage and daily allowance provided by law and statutes of the State of Idaho.

ENTERED this 22nd day of September, 1975.

District Judge

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 9/22/75
mary a lee clerk

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

FILED
P.M.
SEP 22 1975
mary a Lee deputy
J. W. Creitch clerk

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

STATE OF IDAHO,

Plaintiff,

vs.

THOMAS EUGENE CREECH

Defendant.

Criminal No.

PETITION TO COMPEL ATTENDANCE OF OUT OF STATE WITNESS

* * *

COMES NOW Robert H. Remaklus, Prosecuting Attorney of Valley County, Idaho, and does hereby petition the above entitled Court as follows:

1. That trial of the above entitled matter, being a criminal prosecution upon two counts of murder in the first degree, is now pending and trial proceedings will commence Monday, October 6, 1975, at ten o'clock A.M.

2. That Becky Hilby is a material witness for the State of Idaho in said cause and resides at [redacted] Longview, Washington a State wherein provision is made by law to command persons to attend and testify in criminal prosecutions.

WHEREFORE, it is requested that a Certificate be issued affirming the necessity of said person as a witness and authorizing that she be directed by a Judge of Court of record in the State of Washington, County of Cowlitz, to appear and attend such trial for a period of not less than two (2) days.

DATED this 22nd day of September, 1975.

Robert H. Remaklus
Prosecuting Attorney
Valley County, Idaho

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated 5/04/76
mary a Lee Clerk

ROBERT H. REMAKLUS
P.O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

FILED
SEP 22 1975
mary a hall deputy clerk
J.W. Chisholm, clerk

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

STATE OF IDAHO,
Plaintiff,
vs.
THOMAS EUGENE CREECH
Defendant.

Criminal No.

CERTIFICATE TO SECURE ATTENDANCE OF WITNESS IN CUSTODY IN ANOTHER STATE
(Idaho Code Section 19-3018)

* * *

Petition having been filed herein by Robert H. Remaklus, Prosecuting Attorney for Valley County, State of Idaho, pursuant to Idaho Code Section 19-3018, that one Gene Hilby be directed and authorized to appear and attend the trial in the above entitled matter, for not less than two (2) days during the week commencing October 13, 1975, and it appearing that said witness is material and necessary to the prosecution;

It is hereby certified (1) that the above entitled criminal action is pending in the above entitled Court wherein the defendant is charged with two counts of murder in the first degree, (2) that the said Gene Hilby who is in custody of The Corrections Division of the State of Oregon and now being held by the Drug Prevention Center, 117 Kelso Drive, at Kelso, Washington, Gene Hilby is material witness in said action and (3) that the presence of said Gene Hilby will be required at such trial for not less than two days commencing October 13, 1975.

DATED this 22nd day of September, 1975.

J. Ray Smith
District Judge

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/24/76
mary a hall ...clerk

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

FILED
A.M. ____ P.M. ____
SEP 22 1975
mary a Lee deputy
J.W. Crutcher clerk

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH Defendant.	Criminal No. PETITION TO COMPEL ATTENDANCE OF WITNESS

COMES NOW Robert H. Remaklus, Prosecuting Attorney of Valley County, Idaho, and does hereby petition the above entitled Court as follows:

1. That trial of the above entitled matter, being a criminal prosecution upon two counts of murder in the first degree, is now pending and trial proceedings will commence Monday, October 6, 1975, at ten o'clock A.M.

2. That Gene Hilby is a material witness for the State of Idaho in said cause and he is in the custody of the Corrections Division of the State of Oregon, being held at the Drug Prevention Center at 117 Kelso Drive, Kelso, Washington 98626

3. That the presence of said witness, Gene Hilby, will be required at such trial during the week commencing October 13, 1975.

WHEREFORE, it is requested that a Certificate be issued affirming the necessity of said person as a witness and authorizing that he be directed by a judge of Court of record in the State of Oregon, County of Multnomah, to appear and attend such trial for a period of not less than two (2) days commencing October 13, 1975.

DATED this 22nd day of September, 1975.

Robert H. Remaklus
Prosecuting Attorney
Valley County, Idaho

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 9/22/75
mary a Lee Clerk

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

FILED
SEP 22 1975
mary a hill, deputy
J.W. Critchlow, Clerk

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

STATE OF IDAHO,
Plaintiff,
vs.
THOMAS EUGENE CREECH,
Defendant.

Criminal No.

PETITION TO ADVANCE FEES

* * *

Robert H. Remaklus, Prosecuting Attorney of Valley County, Idaho, request the above entitled Court to direct the Valley County Clerk to advance $333.52 as mileage fees, together with attendance fees in the sum of $16.00, for out of State witness required to testify in the trial of the above cause; said witness resides at Fairbanks, Alaska, and the law provides for $.25 cents per mile: said witness will be required for two (2) days and the law provides for attendance fees at the rate of $8.00 per day.

DATED this 22nd day of September, 1975.

Robert H. Remaklus
Prosecuting Attorney
Valley County, Idaho

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/24/76
mary a hill, clerk

O R D E R

Upon the above Petition and good cause appearing, IT IS ORDERED that the Clerk of the Valley County Court shall advance the sum of $349.52 to Richard Gillilan, to be forthwith delivered as advance witness fees and mileage, to secure the attendance of said person as a witness in the above entitled action from Fairbanks, Alaska.

DATED this 24 day of September, 1975.

District Judge

ROBERT H. REMAKLUS
P.O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

FILED
A.M. ____ P.M.
SEP 22 1975
mary a hill deputy clerk
J. W. Crutcher clerk

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant.	Criminal No. Certificate Under Uniform Act to Secure Attendance of Witness (Idaho Code Section 19-3005)

***

Petition having been filed herein by Robert H. Remaklus, Prosecuting Attorney for Valley County, State of Idaho, pursuant to Idaho Code Section 19-3005, that one Richard Gillilan be directed and authorized to appear and attend the trial in the above entitled matter, commencing October 6, 1975, and it appearing that said witness is material and necessary to the prosecution;

It is hereby certified that Richard Gillilan be directed by Judge of a Court of record of the Fourth Judicial District, State of Alaska, to appear and attend the trial in the above entitled matter, in which trial testimony will commence at ten o'clock A.M. on October 6, 1975, and that said witness shall be required to attend such trial for a period of not less than two (2) days and for such other time as the presence of such witness shall be required.

IT IS FURTHER ORDERED that said witness will be tendered mileage and daily allowance provided by law and statutes of the State of Idaho.

ENTERED this 22nd day of September, 1975.

J. Ray Christensen
District Judge

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated 5/24/76
mary a hill clerk

ROBERT H. REMAKL
P. O. Box 759
Cascade, Idaho 8361
Telephone (208) 382-4

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

FILED
P.M.
SEP 22 1975
mary a. hill, deputy
J.W. Critelow clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant.	Criminal No. PETITION TO COMPEL ATTENDANCE OF OUT OF STATE WITNESS

* * *

COMES NOW Robert H. Remaklus, Prosecuting Attorney of Valley County, Idaho, and does hereby petition the above entitled Court as follows:

1. That trial of the above entitled matter, being a criminal prosecution upon two counts of murder in the first degree, is now pending and trial proceedings will commence Monday, October 6, 1975, at ten o'clock A.M.

2. That Richard Gillilan is a material witness for the State of Idaho in said cause and resides at _____ [redacted] a State wherein provision is made by law to command persons to attend and testify in criminal prosecutions.

WHEREFORE, it is requested that a Certificate be issued affirming the necessity of said person as a witness and authorizing that he be directed by a Judge of Court of record in the Fourth Judicial District, in the State of Alaska, to appear and attend such trial for a period of not less than two (2) days.

DATED this 22nd day of September, 1975.

Robert H. Remaklus
Prosecuting Attorney
Valley County, Idaho

STATE OF [illegible]
I hereby certify that the foregoing is a true copy of the original on file in my office
Dated 5/10/76
mary a. hill

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

FILED
A.M. P.M.
SEP 22 1975
mary a hill deputy
J. W. Crutcher, Clerk

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant.	Criminal No. MOTION FOR PRODUCTION OF WITNESS

Comes now Robert H. Remaklus Prosecuting Attorney of Valley County, Idaho and moves this Honorable Court for an Order to produce one Carol Spaulding as a material witness in the trial of the above entitled action, from the Nevada State Penitentiary at Carson City, Nevada where in she is an inmate.

This motion is made and based upon the Affidavit attached hereto.

DATED this 22nd day of September, 1975.

Robert H. Remaklus
Prosecuting Attorney
Valley County, Idaho

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this office.
Dated 5/14/96
mary a hill

A F F I D A V I T

STATE OF IDAHO)
) ss
COUNTY OF VALLEY)

Robert H. Remaklus, being first duly sworn on upon oath, deposes and says:

That he is a duly elected qualified and acting Prosecuting Attorney of Valley County, Idaho:

That Carol Spaulding is in the custody of the Idaho State Board of Corrections, and is being held in the women's facility of the Nevada State Penitentiary, Carson City, Nevada, and is a necessary and material witness for the State in the above entitled action in that said Carol Spaulding was present at and a witness to the offenses charged in the information on file herein.

Robert H. Remaklus
Prosecuting Attorney
Valley County, Idaho

SUBSCRIBED AND SWORN to before me this 22nd day of September, 1975.

Notary Public for Idaho
Residing at: Cascade, Idaho
My commission expires: 11-1-77

I hereby certify that on the _____ day of _____, 1975, I mailed a true and correct copy of the Affidavit, Motion for Production of Witness, and Order for Production of Prisoner, to Mr. Bruce O. Robinson, P. O. Box 8, Nampa, Idaho, Attorney for the Defendant, with postage prepaid thereon.

Robert H. Remaklus

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

FILED
SEP 22 1975
mary a. hill deputy
J. W. Crutcher, clerk

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

THE STATE OF IDAHO,
Plaintiff,
vs.
THOMAS EUGENE CREECH,
Defendant.

Criminal No.

ORDER FOR PRODUCTION OF PRISONER

It appearing from the Motion and Affidavit of Robert H. Remaklus Prosecuting Attorney in and for the County of Valley, State of Idaho, that Carol Spaulding will be a necessary and material witness in the trial of the above entitled action and that she is in the custody of the Idaho State Board of Corrections and is being held in the women's facility of the Nevada State Penitentiary, Carson City, Nevada:

IT IS THEREFORE ORDERED that the Idaho State Board of Corrections transport said Carol Spaulding from the Nevada State Penitentiary at Carson City, Nevada, to the above entitled Court at Wallace, Shoshone County, Idaho, for trial commencing October 6th, 1975, and retain her in custody until her presence as a witness is no longer needed;

IT IS FURTHER ORDERED That at such time as the presence of the said Carol Spaulding is no longer needed she shall be returned to the Nevada State Penitentiary;

DATED this 22d day September, 1975.

J. [illegible]
District Judge

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/04/76
mary a hill, clerk

ROBERT H. REMAKLUS
Valley County Prosecuting Attorney
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

LYNN E. THOMAS
Deputy Attorney General
Special Assistant Prosecutor
Attorney General's Office
Statehouse, Boise, I daho 83720
Telephone 384-2400

FILED
SEP 22 1975
mary a hill deputy Clerk
J.W. Crutcher Clerk

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant.	Criminal Case No. AFFIDAVIT IN SUPPORT OF ORDER FOR COMPULSORY ATTENDANCE OF WITNESSES

STATE OF IDAHO)
) ss.
County of Valley)

Robert H. Remaklus, being first duly sworn upon oath, and makes this Affidavit in support of Plaintiff's Motion for an order to be endorsed on each subpoena, for compulsory attendance of witness in the above entitled action pursuant to the provisions of Section 19-3009, Idaho Code.

That the testimony and evidence of all the witnesses hereinafter named are material and that the attendance of all such witnesses at the trial of the above entitled action is necessary: that none of such witnesses reside in Shoshone County, Idaho the County wherein such trial shall be held and none of such witnesses shall be served with subpoenas in such County.

That the names and addresses of such witnesses are as follows:

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court
Dated: 5/14/76
mary a hill Clerk

Mr. Jack V. Freeman, Elmore County Sheriff Department,
Mountain Home, Idaho

Mr. Fred J. Hurst, [redacted]

Ms. Gerry Fletcher, [redacted]

Mr. Owen Krahn, [redacted]

Robert H. Remaklus
Attorney for Plaintiff

SUBSCRIBED AND SWORN to before me this 23rd day of September, 1975.

Notary Public for Idaho
Residence: Cascade, Idaho
Bar 1/31/78

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO, Plaintiff, v. THOMAS EUGENE CREECH, Defendant.	)	No. 2165 ORDER DENYING MOTION FOR CHANGE OF VENUE

FILED

SEP 22 1975

mary a hill Clerk

The Defendant's Motion for Change of Venue, dated the 10th day of September, 1975, came on before the Court for hearing on the 22nd day of September, 1975, in the Courthouse at Boise, Idaho.

The Defendant was represented by counsel, Bruce O. Robinson, and the State of Idaho was represented by Robert H. Remaklus, Prosecuting Attorney, Valley County, Idaho, and Lynn E. Thomas, Deputy Attorney General, Special Assistant Prosecutor.

The Court heard argument on the Motion for change of location of trial, and, having considered the arguments of counsel and the affidavit subm.ted by the Defendant's counsel, and being fully advised in the law and in the premises, it is the judgment of the Court that the Motion for Change of Venue should be, and the same is, DENIED.

DATED this 22nd day of September, 1975.

District Judge

STATE OF IDAHO, County of Valley, ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/14/76
mary a hill Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO,
Plaintiff,
v.
THOMAS EUGENE CREECH,
Defendant.

FILED
SEP 22 1975
Case No. 2165 mary a hill deputy
J. W. Dutcher clerk

ORDER DENYING MOTION IN LIMINE

The Defendant's Motion in Limine dated July 30, 1975, and the State's Motion in Limine dated September 10, 1975, came on before the court for hearing on the 22nd day of September, 1975. The Defendant was represented by counsel, BRUCE O. ROBINSON, and the State was represented by ROBERT H. REMAKLUS, Prosecuting Attorney of Valley County, Idaho, and LYNN E. THOMAS, Deputy Attorney General, Special Assistant Prosecutor.

The Court having considered the arguments of counsel, and being fully advised in the law and in the premises, concluded that the said motions should be, and the same are DENIED, provided however, counsel for both parties shall not initially proffer evidence at trial in the presence of the jury relating to out-of-state murders, deaths, or armed robberies, for which the Defendant has not been charged nor evidence of the Defendant's alleged involvement with satanic cults and of his alleged witness to human sacrifices performed in connection therewith, nor the testimony of Anton Szandor Lavey on any matter not related to facts tending to prove or disprove the charges pending against the Defendant, nor evidence of Defendant's alleged involvement with criminal syndicates, prominent public figures, and other criminal enterprises, nor evidence of or related to the philosophy of satanism, exorcism, possession by demons

STATE OF IDAHO, County of Valley, ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/14/76
mary a hill clerk

and any related evidence, nor evidence of Defendant's reported involvement with motor cycle gangs, it being the intention of the Court that evidence of such character be submitted to the Court out of the presence of the jury in order that determinations as to the admissibility of such evidence may be made before such matters come before the jury.

DATED This 24 day of September, 1975.

District Judge

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

FILED

SEP 22 1975
mary a hill Deputy
J.W Crutcher, clerk

STATE OF IDAHO, Plaintiff, v. THOMAS EUGENE CREECH, Defendant.	No. 2165 ORDER FOR TEMPORARY TRANSFER OF PRISONER

Upon application of the State of Idaho, and upon the agreement of counsel for the Defendant, in open court on the 22nd day of September, 1975, the Court, in facilitation of its ORDER of September 8, 1975, relating to psychiatric study and examination of the Defendant, orders that the Defendant, Thomas Eugene Creech, be transported by the Sheriff of Ada County to Boise, Idaho, on the 23rd day of September, 1975, for psychiatric study and examination by Dr. F. LaMarr Heyrend and Dr. Michael Estess of Boise, Idaho, and such psychologists as they may determine, in furtherance of the Court's ORDER aforesaith.

The Defendant shall remain in the custody of the Sheriff of Ada County during such time as the aforesaith psychiatric and psychological testing is being conducted, and shall be conducted under such security arrangements as may be determined by the Sheriff of Ada County.

During such time, Defendant's counsel shall also have access to the Defendant for the purpose of performing polygraph and "truth serum" tests with the Defendant, provided, however, that such testing shall be conducted pursuant to such security precautions as may be prescribed by the Sheriff of Ada County.

DATED this 22nd day of September, 1975.

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/04/76
mary a hill ... Clerk

District Judge

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO,

Plaintiff,

v.

THOMAS EUGENE CREECH,

Defendant.

FILED
A.M. ..... P.M. .....
SEP2 1975
mary a hill deputy
J. R. Erickson Clerk

Case No. 2165

ORDER DENYING MOTION FOR THE USE OF A TYPEWRITER

The Defendant's Motion for the Use of a Typewriter during his incarceration in the Shoshone County Jail, Wallace, Idaho, came before the Court for hearing on the 4th day of September, 1975. The Defendant was represented by counsel, BRUCE O. ROBINSON, and the State was represented by LYNN E. THOMAS, Special Assistant Prosecuting Attorney.

The Court held arguments on the Motion and, being fully advised in the law and in the premises, it was the judgment of the Court that the Defendant's Motion for the Use of a Typewriter during his incarceration in the Shoshone County Jail should be, and the same is, DENIED. The Defendant shall be permitted the use of a pen or pencil and paper which may be checked out to him on a daily basis.

DATED This 2nd day of September, 1975.

District Judge

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 9-2-75
mary a hill ..... Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA VALLEY

The State of Idaho
Plaintiff

-vs-

Thomas Eugene Creech
Defendant

CERTIFICATE OF MAILING NOTICE PURSUANT TO RULE 77 (d), and 55 (b) (1) I.R.C.P.

I, J. W. Crutcher, the undersigned authority, do

hereby certify that I have mailed, by United States mail, one copy of the

(listed below)

as notice pursuant to Rule 77 (d) and 55 (b) (1) I. R.C.P. to each of the attorneys of record in this cause

in envelopes addressed as follows:

Ms Victoria White
Clerk of the District Court
P. O. Box 1049
Wallace, Idaho 83873

Bruce O. Robinson
Attorney at Law
P. O. Box 8
Nampa, Idaho 83651

hand delivered

Lynn Thomas
Deputy Attorney General
State House
Boise, Idaho 83720

Robert H. Remaklus
Prosecuting Attorney
P O. Box 759
Cascade, Idaho 83611

Order Granting Motion for Separate Exam of Juror
Order Granting Motion for Pre-Trial Conference
Order Denying Ptff's Motion in Limine
(Petition & Order to Advance Fees
(Certificate Under Uniform Act
(Petition to Compel Attendance of OUt State Witness (Crandell)
(Petition & Order to Advance Fees
(Certificate Under Uniform Act
(Petition to Competl Attendance of Out State Witness (Becky Hilby)
(Certificate to Secure Attendance of Witness in Custody in Another State (Gene Hilby)
(Petition to Compel Attendance of Witness
(Petition to Advance Fees & Order
(Certificate Under Uniform Act
(Petition to Compel Attendance of Out of State Witnes (Richard Gillilan)
State's motion for Production of Witness
Order for Production of Prisoner (Spaulding)
Order denying Motion for change of Venue
Order denying Motion in Limine
Order for Temporary Transfer of Prisoner
Order denying Motion for the Use of A Typewriter
Affidavit in Support of Order for Compulsory Attendance of Wittnesses

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.

Dated: 5/16/86

mary a Lill Clerk

~~CLARENCE A. HERVING~~
Clerk of the District Court
~~Ada~~ Valley County, Idaho

By mary a Lill
Deputy Clerk

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 3824270
Valley County Prosecuting Attorney

LYNN E. Thomas
Deputy Attorney Genreal
Special Assistant Prosecutor
Attorney General's Office
Statehouse, Boise, Idaho 83720
Telephone 384-2400

FILED
SEP 26 1975
mary a Till, deputy
J. W. Gardner, Clerk

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant.	Criminal Case No. AFFIDAVIT IN SUPPORT OF ORDER FOR COMPULSORY ATTENDANCE OF WITNESS

STATE OF IDAHO)
) ss
County of Valley)

Robert H. Remaklus, being first duly sworn upon oath, and makes this Affidavit in support of Plaintiff's Motion for an order to be endorsed on this subpoena, for compulsory attendance of witness in the above entitled action pursuant to the provisions of Section 19-3009, Idaho Code.

That the testimony and evidence of the witness hereinafter named is material and that the attendance of such witness at the trial of the above entitled action is necessary: that said witness does not reside in Shoshone County, Idaho the County wherein such trial shall be held and such witness shall not be served with subpoena in such County.

That the name and address of such witness is as follows:

Bryan Miller, [redacted]

Robert H. Remaklus
Attorney for Plaintiff

SUBSCRIBED AND SWORN to before me this 26th day of September, 1975.

Notary Public for Idaho
Residing at Cascade, Idaho

STATE OF IDAHO, County of Valley, ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court
Dated 9-26-75
mary a Till, Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO,

Plaintiff,

v.

THOMAS EUGENE CREECH,

Defendant.

Case No. 2165

ORDER DENYING MOTION FOR TRIAL TO THE COURT WITHOUT A JURY

FILED

SEP 22 1975

The Defendant's Motion for Trial to the Court Without a Jury came on for hearing before the Court on the 22nd day of September, 1975. The State of Idaho appeared by counsel, ROBERT H. REMAKLUS, Prosecuting Attorney of Valley County, Idaho, and LYNN E. THOMAS, Deputy Attorney General for the State of Idaho, and the Defendant was represented by BRUCE O. ROBINSON.

The Court having heard the arguments of counsel, and being fully advised in the law and in the premises, determined that the Defendant's Motion for Trial to the Court Without a Jury should be and hereby is DENIED.

DATED This 22nd day of September, 1975.

District Judge

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/10/26

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO,

Plaintiff,

v.

THOMAS EUGENE CREECH,

Defendant.

FILED

A.M. P.M.

SEP 2 3 1975

Case No. 2165

ORDER DENYING MOTION FOR ADDITIONAL WITNESSES TO BE SUBPOENAED AT STATE EXPENSE

The Defendant's "Motion for Allowance of Subpoena of Witnesses" came on for hearing before the Court on the 4th day of September, 1975. The Defendant was represented by BRUCE O. ROBINSON, Attorney at Law, and the State of Idaho was represented by LYNN E. THOMAS, Deputy Attorney General.

The Court having heard arguments of counsel and being fully advised in the law and in the premises, determined that the Defendant should not be permitted to subpoena, at State expense, out-of-state witnesses, including Anton Szandor LaVey, of San Francisco, California, without a showing that such wintesses are necessary to the defense and that their testimony is material and relevant to the issues of the case. The Court further concluded that certain witnesses residing in the State of Idaho, including the Right Reverend Hanford L. King and Bishop Sylvester W. Treinen were not shown to have evidence or information material to the case, in consequence of which the Defendant should not be permitted to subpoena more than five (5) in-state witnesses, of his choice, at State expense without making a showing that such witnesses may reasonably be expected to give testimony that is material and relevant to the trial and that their testimony is necessary to Defendant's case.

IT IS SO ORDERED.

DATED This 23rd day of September, 1975.

District Judge

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated 5/14/76
Mary A Hill Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

The State of Idaho
Plaintiff

-vs-

Thomas Eugene Creech
Defendant

CERTIFICATE OF MAILING NOTICE PURSUANT TO RULE 77 (d), and 55 (b) (1) I.R.C.P.

I, Clarence A. Planting, the undersigned authority, do hereby certify that I have mailed, by United States mail, one copy of the SEE LIST BELOW

---

as notice pursuant to Rule 77 (d) and 55 (b) (1) I. R.C.P. to each of the attorneys of record in this cause in envelopes addressed as follows:

Ms Victoria White
Clerk of the District Court
P. O. Box 1049
Wallace, Idaho 83873

Bruce O. Robinson
P. O. Box 8
Nampa, Idaho 83651

Lynn Thomas
Deputy Attorney General
State House
Boise, Idaho 83720

Robert Remaklus
Valley County Prosecting Attorney
P. O. Box 759
Cascade, Idaho 83611

CLARENCE A. PLANTING
Clerk of the District Court
VALLEY Ada County, Idaho

By _____
Deputy Clerk

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/24/76
mary a Sue
Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF ~~ADA~~ VALLEY

HON. J. RAY DURTSCHI SEPTEMBER Term 19 75

District Judge

September 22, 1975

Date

COURT MINUTES

The State of Idaho)
)
vs Plaintiff -) No. CR 2165
)
Thomas Eugene Creech)

Defendant -

MURDER IN THE FIRST DEGREE

Appearances:

Robert Remaklas — Counsel for State
Prosecuting Attorney

Lynn Thomas — Counsel for State
Deputy Attorney General

Bruce O. Robinson — Counsel for Defendant

Defendant not present.

Hearing on miscellaneous motions

The Court reviewed previous proceedings.

Counsel for State directed to prepare order denying use of a typewriter and permitting the use of a pen or pencil.
Counsel for defendant to prepare order for pre-trial conferences
Counsel for State to prepare order for witnesses out of state.

Hearing on defendant's motion to suppres evidence. There being no objections this motion will be heard October 3, 1975 at Wallace

Defendant's motion for separate examination of jurors. There being no objections the Court granted this motion. Counsel to prepare order

The Court denied defendant's motion to waive jury trial.
The Court denied defendant's motion for change of venue. Counsel for State to prepare these orders.

Statements by Counsel re/exhibits marked and in custody of Valley County Clerk

Argument on Motion for Limine. The Court denied motions. Counsel to prepare order.

State's motion to produce automobile. Argument. The Court denied motion. Counsel to prepare order.

Counsel stipulated to defendant being examined Wednesday, September 24, 1975 in Ada County. Court granted motion.

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Date: 5/14/96
mary a hill Clerk

Reporter: John Gambee Approved by:

Clerk: marva

Dated: September 22, 1975

District Judge

ROBERT H. REMAKLUS
Valley County
Prosecuting Attorney
P.O. Box 759
Cascade, Idaho 83611
Telephone: (208) 382-4270

LYNN E. THOMAS
Deputy Attorney General
State of Idaho
Special Assistant Prosecutor
Statehouse, Boise, Idaho 83720
Telephone: 384-2400

ATTORNEYS FOR PLAINTIFF

NO. _____
FILED
A.M. _____ P.M. _____
SEP 30 1975
_____ CLERK
BY Mary A. Hill
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO, Plaintiff, v. THOMAS EUGENE CREECH, Defendant.	Case No. 2165 MOTION TO TREAT WITNESS AS HOSTILE

Pursuant to Rule 43(b), Idaho Rules of Civil Procedure and Rule 57(b), Idaho Rules of Criminal Practice and Procedure, the State moves for permission to ask leading questions of State's witness CAROL SPAULDING on the ground that the said witness has demonstrated hostility to the State and unwillingness to swear to statements previously given to representatives of the State as more particularly detailed in the Affidavit hereto attached and incorporated herein.

DATED This 30th day of September, 1975.

ROBERT H. REMAKLUS
Valley County Prosecuting Attorney

LYNN E. THOMAS
Deputy Attorney General
Special Assistant Prosecutor

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/24/26
mary a hill
Clerk

CERTIFICATE OF MAILING

I HEREBY CERTIFY That I have on the 30 day of September, 1975, served true and correct copies of the foregoing MOTION TO TREAT WITNESS AS HOSTILE and attached documents, by depositing copies thereof in the United States mail, postage prepaid and adressed to BRUCE O. ROBINSON, P.O. Box 8, Nampa, Idaho 83651, and c/o Dennis Wheeler, P.O. Box 289, Wallace, Idaho 83873.

Lynn E. Thomas

LYNN E. THOMAS
Deputy Attorney General
Special Assistant Prosecutor

ROBERT H. REMAKLUS
Prosecuting Attorney
Valley County
P.O. Box 759
Cascade, Idaho 83611
Telephone: (208) 382-4270

LYNN E. THOMAS
Deputy Attorney General
State of Idaho
Special Assistant Prosecutor
Statehouse, Boise, Idaho 83720
Telephone: 384-2400

ATTORNEYS FOR PLAINTIFF

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO,
Plaintiff,
v.
THOMAS EUGENE CREECH,
Defendant.

Case No. 2165

AFFIDAVIT OF LYNN E. THOMAS

LYNN E. THOMAS, being first duly sworn upon his oath, deposes and says:

On the 17th day of September, 1975, Robert H. Remaklus and I went to the women's section of the Nevada State Penitentiary at Carson City, Nevada, where Carol Spaulding was being detained, and asked the said Carol Spaulding to sign the Affidavits attached hereto as Exhibits A and B and incorporated herein by reference. One Affidavit paraphrases the substance of statements previously given to Robert H. Remaklus and James Maxwell and to Robert H. Remaklus and your affiant. The other affidavit incorporates photocopies of transcripts of tape recordings of the aforesaid interviews with Carol Spaulding.

In your affiant's presence, the said Carol Spauling refused to sign either affidavit, saying words to the effect of "why should I help you," "it doesn't do me any good, it only helps you." Upon being asked if anything in the previous

statements were untrue, the said Carol Spaulding replied, "I don't know." Upon being asked the question, will you testify at the trial to the same facts which you gave in your previous interviews, the said Carol Spaulding replied, "probably, somethings may not be exactly the same."

Moreover, the said Carol Spauling stated that prior to the murder of Arnold and Bradford she saw a pocket knife in the car in Bradford's possession, but that she did not see him use it, adding, "I don't think." This statement is inconsistent with the statements previously given the State as attached hereto.

The aforesaid refusal to sign affidavits and evasive answers as to the substance of Carol Spaulding's testimony were adhered to in spite of advice by your affiant to Carol Spaulding that she was not suspected nor charged with any other crimes and that the State disbelieved the statements of Thomas Creech to the effect that said Carol Spaulding had participated in other criminal acts.

Your affiant is informed and believes that the said Carol Spaulding has been advised by Defendant's counsel, Bruce O. Robinson, not to speak with law enforcement officers or "anyone." The nature of this information is detailed in the attached Affidavit of Judy Ogawa, a true copy of which is attached hereto and incorporated as Exhibit C.

FURTHER your affiant sayeth not.

DATED This 30 day of September, 1975.

LYNN E. THOMAS
Deputy Attorney General
Special Assistant Prosecutor

SUBSCRIBED and SWORN To Before me this 30th day of September, 1975.

NOTARY PUBLIC for Idaho
Residing in Boise, Idaho

EXHIBIT A

STATE OF IDAHO,
Plaintiff,
v.
THOMAS EUGENE CREECH,
Defendant.

AFFIDAVIT

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

CAROL SPAULDING, being first duly sworn, upon her oath deposes and says:

I have read the attached transcripts of interviews conducted (1) on April 8, 1975, with Robert H. Remaklus, Jim Maxwell and myself at the Idaho State Correctional Instutition in Boise, Idaho and (2) between myself, Robert Remaklus, and Lynn E. Thomas as the Nevada State Prison, Carson City, Nevada, June 17, 1975.

The interview of April 8, 1975, consists of twelve pages which I have read and I have initialed each page of the copy attached hereto. The interview of June 19, 1975, consists of thirty nine pages, which I have read. I have initialed each of the pages of the copy of the transcript hereto attached.

All of the statements and information which I have given in the two interviews which I have attached are true and correct.

CAROL SPAULDING

SUBSCRIBED AND SWORN To before me this _____day of September, 1975.

_____
NOTARY PUBLIC for Nevada
Residing at
My commission expires:

Interview- April 8, 1975- Robert H. Remaklus and Jim Maxwell, with Carol Spaulding at Idaho State Correctional Institution in Boise, Idaho.

Bob: Carol I am going to ask you to say something to see if this is going to pick up your voice, just tell me what day it is.

Carol: Today is Tuesday.

Bob: Tell us how many ladies are there here at the Institution at this time.

Carol: About fifteen.

Bob: Carol, starting with the day you and Tom Creech left Lewiston, which probably would have been on a Sunday, November 3rd, 1974, were you and Tom hitchhiking.?

Carol: Yes.

Bob: How many rides did you catch out of Lewiston.? How far did they take you.?

Carol: We caught a few rides that just took us a little ways.

Bob: And where did you get in the car with Bradford and Arnold?

Carol: It was a little town, I don't know the name of it. Just some little town.

Bob: And was this very far out of Lewiston.?

Carol: A little ways maybe twenty miles.

Bob: And this was an old green and white Buick, four door sedan.

Carol: Yes.

Bob: And what did the four of you do, where did you go after you and Tom got in the car with them.?

Carol: We just drove for awhile, I think we stopped and siphoned gas.

Bob: And then did you stop in any towns.?

Carol: I think we stopped in Grangeville, McCall,.

Bob: Did you stop down in Whitebird Idaho.?

Carol: I wouldn't know, I don't even know where that is.

Bob: Do you remember about where it was when it started getting dark on you.?

Carol: I think they picked us up after dark. Or right when it was getting dark.

Bob: Did you drink any beer with them.?

Carol: Tom did. I don't think I drank any.

Bob: Do you remember where you got the beer.?

Carol: Just little towns.

Bob: Who had the money.?

Carol: Tom, Tom had some money, one of them guys sold his coat.

Bob: Sold his what.?

Carol: His jac..t for us to buy some beer

Bob: And I've heard about a battery charger.

Carol: Yeah Tom, Oh yeah Tom stoled one, and sold it for some money to.

Bob: Was that before you got to McCall.?

Carol: He sold it in Grangeville.

Bob: Oh

Carol: I remember that.

Bob: Then did you stop after you left Grangeville, then you went on down South got to McCall, did you stop in McCall.

Carol: Yeah

Bob: Did you go in any places there.?

Carol: They did, I didn't.

Bob: You mean the men? Did all three of the men go in some place in McCall.?

Carol: Not the guy in the back didn't, he was just laying there. I think I got out and stretched, I don't know.

Bob: Now do you know whether or not either of these two men had been drinking when they picked you and Tom up.?

Carol: They sounded and acted like it.

Bob: Was the car pretty dirty.?

Carol: Yeah, it was real dirty. One of the guys was pissing on the floor.

Bob: Was that the one in the back.?

Carol: Yeah.

Bob: That's what I heard it was pretty much of a mess there in the car.

Carol: It was.

Bob: Where did you ride.?

Carol: I rode in the front.

Bob: Where did Tom ride.?

Carol: He rode sit next to me.

Bob: Were you in the middle.?

Carol: Yeah.

Bob: And when you got, had either one of the fellows, tryed to get fresh with you, these other two men.

Carol: Yeah, I think they was just drunk, they were being nasty. They were feeling me and stuff. I just told them not to .

Bob: Did Tom tell them not to .?

Carol: Yeah Tom did.

Bob: Then when there say at McCall, you think you got out and stretched and the fellow in the back seat stayed in the back seat.?

Carol: Yeah I think. No he could have got out too, I don't remember.

Bob: I was just wondering if either of these fellows tried to get smart with you when Tom was not around.

Carol: No, I was never around them when Tom wasn't there.

Bob: I see. Now after you left McCall, do you remember going through Donnelly.?

Carol: No. We probably did.

Bob: As I understand it when the car stopped down there, this South of Donnelly, you got out of the car and Tom got out of the car as I understand it.

Carol: Yes.

Bob: Tell me about it. Did the two men stay in the car.?

Carol: Yes, I got out to go to the bathroom. Because I had to go to the bathroom real bad.

Bob: You got out of the car at that time, Tom got out to let you out is that right.?

Carol: Yeah, he just got out, when I got out he just shoved me out of the way, and shot them.

Bob: Did you squat there by the car.?

Carol: No, I didn't even get out, I was just stepping out and he just pushed me out of the way, and shot them.

Bob: Where was he standing then.?

Carol: Right at the door of the car.

Bob: Tom was standing at the door, he was standing on the ground wasn't he Carol? He was clear out of the car wasn't he.?

Carol: Yeah, I guess he could have moved back a little ways to let me out, cause I was getting out.

Bob: Did you know that he was going to shoot those two men.?

Carol: No.

Bob: Then this was dark at that time wasn't it.?

Carol: Yeah it was real dark, it was real late at nite.

Bob: Could you see what was happening? Was there enough light for you to see Tom and the two men?

Carol: Yeah there was. I think there was a light in the car. When the door opened the light went on in the car. I am not sure though. I think Tom broke it. I'm not sure if it was even there.

Bob: Now when could you, were you watching or were you facing the car when Tom shot these two men.?

Carol: Yeah he shoved me out of the way, I looked at Tom and I saw the gun, even by the time I saw the gun it was done with.

Bob: Who did he shoot first.?

Carol: The man that was driving.

Bob: And then what happened Carol.?

Carol: He did them both, when he done it he did them both really fast.

Bob: Yeah, that what I understand. But the man that was driving was not first, is this right.?

Carol: Yeah

Bob: And did you see the man in the back seat do anything?

Carol: No.

Bob: How many times did Tom shoot the first man there the driver.?

Carol: I guess he shot him once, cause thats what the paper said. I thought he shot the first man twice cause he did it so fast. But he didn't.

Bob: Now what was the driver doing at the time Tom shot him? Do you remember?

Carol: He was just setting there.

Bob: Then after Tom shot him, then did you see the man in the back seat do anything.?

Carol: No he did it too quick.

Bob: Did he raise up or anything.?

Carol: No, he done them both just as quick as he would have done one.

Bob: Did any body say anything at that time.?

Carol: I think I said something, like Oh My God, what have you done? Then he didn't even notice I was even there, I didn't know if he was going to shoot me or not. I guess he just forgot I was even there, it seemed like it.

Bob: Then what did you do after he shot the two men?

Carol: I don't know, I think I just stood there I don't know though I think I got out of the way. Then he took them out of the car and he dragged them.

Bob: Tell me about that, which one did he take out of the car first.?

Carol: I don't remember.

Bob: Did you help drag the men over.?

Carol: No I didn't do nothing.

Bob: Did you watch him while he did it.?

Carol: I didn't really watch him, but I knew what he was doing.

Bob: Yes, I understand that.

Carol: But I wasn't really watching him.

Bob: Where were you standing at that point do you remember.?

Carol: No, I was within view of what was happening. I could hear what was happening. I don't know where I was standing.

Bob: Did Tom say anything to you then Carol.?

Carol: No he didn't say anything tc me. I just said Tom why did you do that. He didn't say nothing to me. Then he got back he didn't say anything he just shoved me in the car. He just said get in the car. He just started driving, he was tired and wanted to sleep. So he drove for awhile and then he stopped, I couldn't sleep because I was scared. I kept waking him up, so he drove farther stopped again and was resting, I think we stopped in Cascade cause I didn't even want to stay in the car. He was going to steal another car but he didn't. The car that he tried to steal was one that didn't work. I didn't know what I was doing.

Bob: You were pretty scared about then weren't you.?

Carol: Yeah I didn't know if he was going to shoot me or not. Thought he wanted another car to shoct me in, I didn't know.

Bob: After you left Cascade where did you go.?

Carol: Then he went to sleep after Cascade. He drove awhile and went to sleep. A little Lodge place. Some kind of little place.

Carol: He wasn't really asleep he was just kinda resting.

Bob: Then when did you leave there, was it getting day light then Carol.?

Carol: Yeah it was getting day light.

Bob: Then what did you do.?

Carol: Then we drove the car and ran out of gas and left it.

Bob: Did you try to push the car off the road.?

Carol: Yeah, Tom did.

Bob: What did you do.?

Carol: I was just watching him kinda, I didn't know what he was gonna do.

Bob: Did you get it pushed off the road.?

Carol: Well he pulled it off the road. He was gonna push it over a cliff, but he couldn't.

Bob: Little too heavy huh.?

Carol: That was what he said.

Bob: Then what did you do.?

Carol: Then we tried to get another ride.

Bob: You still hitchhiked.?

Carol: Yeah

Bob: Did you get another ride.?

Carol: Yeah

Bob: Where did you go then?

Carol: Almost to Boise. Right outside of Boise. And we got another ride to Boise.

Bob: Where did you stay in Boise.?

Carol: We was in Boise for awhile in the day. I think I ate a sandwich. We stopped and had some coffee. Then we started to hitchhike out of Boise. Then we stopped at a truck stop, got a cup of coffee, and we met this other guy and he let us stay at his house.

Bob: Did you stay there with this other guy a day or two.?

Carol: Yeah

Bob: What did you do when you were there, was that when the store was robbed.?

Carol: Yeah

Bob: Did you go along on that? Who did that was that Tom and some body.?

Carol: Yeah Tom and this big fat guy and this little puny guy. That we was staying and this little guy was always there so they would always talk about doing things and stuff.

Bob: Doing what kind of things.?

Carol: Robberies, burglaries and stuff. It didn't seem like they would do them. They said they would try to do a armed robbery, but the gun if you pushed it down the bullets would fall out. I think the little guy's name was Rick. I didn't know his last name. I knew Jim Marsh I knew his name, and his wife.

Bob: Did you know them before you came to Boise, Carol.?

Carol: No, I never met them before. We just met them when we was at the truck stop. They just picked us up like they was being real nice. He was driving a station wagon.

Bob: Did he have a trailer house.?

Carol: Yeah, they lived in a trailer house.

Bob: Now was one of these guys wives pregnant.?

Carol: Yeah she had her baby while we was there.

Bob: I am not interested in the details, but was it while you was staying there, that the men went and robbed the Seven Eleven or Circle K .?

Carol: Yeah

Bob: How many nights did you stay there.?

Carol: Just a couple, two or three.

Bob: Then did you and Tom start hitchhiking on South.?

Carol: Yeah

Bob: How did you get out of town? Out of Boise.?

Carol: Jim Marsh, he took us to this rest area, and we tried to get a ride from there. Then we got a ride.

Bob: Who did you get that ride with.?

Carol: I don't know his name, some dude I guess.

Bob: Was he the same one that was with you when you were arrested.?

Carol: yes

Jim: Did Tom talk about the shooting in Donnelly, with Rick Gilliam and Jim Marsh.?

Carol: Yeah

Jim: Did he tell them what he had done.?

Carol: Yeah, they knew just like it was nothing. Talked like it was something you do every day. I didn't like them to much. Talked about it like it was something all right to do. Something that every one does. I remember Tom used to tell me about killing people, I never beleived him. I just wondered what was wrong. Then when he done it, I know I beleive him. It was in the paper and they read it.

Bob: Oh, Rick and Jim Marsh read it in the paper.

Carol: Yeah, it was the same day the robbery was in the paper.

Bob: Oh I see. Carol, when you was picked up at the rest stop do you remember that man's name.?

Carol: No

Bob: Was his first name Steve, did you know him by Steve.?

Carol: I didn't know him by anything, I didn't even know his name.

Bob: Anyway that was the only ride you caught, and you got down to Glennsferry where you were arrested.

Carol: Yeah, we was arrested then.

Bob: This gun that Tom used, I understand that you had it in your purse there at Glennsferry, he had given it to you is that right.?

Carol: No he had it in his pants, when he seen that we was getting pulled over he put it in my purse.

Bob: Oh I see. Now where did he get that gun?

Carol: I guess he stole it from my Mom's boyfriend. I didn't know he did. When we was in Boise I called my Mom, and she said that Bill's gun was stolen then I thought Tom wouldn't do that. Stealing from my family, I just didn't beleive it really. But I guess he did.

Jim: Had you seen the gun before when Mr. Schreiber had it.?

Carol: No I never seen it before.

Jim: Did you know he had one,?

Carol: Yeah, I did.

Jim: Did you ever call the cops about it.?

Carol: No I think they talked to Bill about it, I don't know.

Bob: Now was Bill, Mr. --------.?

Carol: Yes

Bob: Is that your mother's friend up in Lewiston.?

Carol: Yes

Bob: Do you have brothers and sisters up in Lewiston Carol.?

Carol: Yeah I have a sister and a brother there.

Bob: And how old are they.?

Carol: My brother is eleven, I think and my sister is fifteen.

Bob: You are the oldest of the three kids.?

Carol: I have an older sister, she is in California.

Bob: Oh I see.

Jim: There was some question as to whether there was some one else with you and Tom, for awhile was there.?

Carol: When?

Jim: When you left Lewiston. Was there anyone else hitchhiking with you.?

Carol: I don't think so.

Bob: Were there five of you in the car.?

Carol: No

Bob: Who is Hether?

Carol: She is my friend. She lives in Lewiston.

Jim: Is that Hether Baker.?

Carol: Yeah

Bob: Was she with you.?

Carol: No

Bob: What's your sister's name.

Carol: Kathy

Bob: Was Kathy with you at any time.?

Carol: No

Jim: Is she still in Lewiston.?

Carol: Yeah

Bob: What grade would she be in.?

Carol: Eighth or ninth, I don't know.

Bob: We kinda heard somebody else was along and that was one reason I wanted to come down and talk to you.

Carol: If they was I didn't know about it. Must have been someone invisibile. I didn't know of any body else. Just people that picked us up.

Jim: Are you afraid of what Tom might do now.?

Carol: I don't know sometimes.

Jim: What are you afraid of that he might try to kill you too.?

Carol: I guess Yeah, I don't know he is locked up now.

Bob: Carol, who's baby are you going to have do you know.?

Carol: Tom's

Jim: Were you aware that Tom's wife Thomasine had filed for a divorce with Tom.? Were you aware that he has written to her or contacted her.?

Carol: No, has he.

Jim: I understood that he had.

Bob: That's what we heard.

Carol: No

Jim: Had he ever said that she would help him get out of trouble or anything like this.?

Carol: Yeah, he used to talk about her some times.

Jim: Was he mad at her.?

Carol: No he sounded like he really liked her. He told me that she was dead though.

Bob: Well she isn't.

Jim: You have never met her is this right.?

Carol: He told me she was dead.

Bob: She served some divorce papers on him, now he doesn't seem to want a divorce very bad, from what we hear.

Carol: I thought it was over. His divorce was over.

Jim: The other officer in Ada County, said he had been trying to call her. I wonder if he is trying to get some money from her, or something like this.

Carol: No

Jim: Do you know where she would be at.?

Carol: No I thought in some kinda hospital. I think that's what you told me even.

Jim: Yeah, when we talked about it before. But he had always told youlthat she was dead is that right.?

Carol: Yeah

Jim: Did he say how this happened.?

Carol: A car wreck, I think.

Bob: Carol where did you first meet Tom, I never did get that straight.

Carol: In Fresno at the Fair. I was working there and so was he.

Bob: Was your Dad working at the carnival.?

Carol: He wasn't in Fresno. I was in Fresno but my dad wasn't.

Jim: Was Tom working there.?

Carol: Yeah, that's how I met him. He was working on the Ferris Wheel I guess.

Bob: What kind of work did you do there.?

Carol: I worked in the concession.

Bob: Selling candy and stuff.

Carol: The games.

Bob: Games oh, how long had you been working there.?

Carol: All summer, but not with that same carnival. With different ones.

Jim: The last time you were in Cascade, you told me on the way back down that you knew Kevin, the fellow that we have in the jail up there, Kevin----- that he worked on the carnival with you.

Carol: No I didn't. I don't think.

Jim: The one that was in there, that you had known him in Oregon or someplace at the Carnival.

Carol: I don't think I told you that I knew anyone. Cause I can't tell unless I see them.

Jim: I beleive that you had talked to him there at Cascade, when you laid down there in the cell area, he was working in the kitchen part.

Carol: I didn't know anybody there. I didn't even know who was there.

Jim: How long did you and Tom work together at the Carnival before you left.

Carol: Just a couple days. I met him one night at a party for awhile, he was drinking and stuff. So I stopped for awhile and talked to him and stuff. Some of my old friends I knew along time ago was there. But then I didn't see him again for a couple days.

Bob: Did you have any trouble with the man that was sleeping in your sleeping bag.?

Carol: No he was working. I quit my job and I just left. I wasn't planning on sleeping with him every night. He just decided that my sleeping bag was his, so I left it and let him keep it.

Bob: That's what I meant. Tom didn't try to do anything to that man.

Carol: No

Bob: Where did you go from there.?

Carol: I think we stayed some where for a couple nights, I thought Tom hadna car, I was waiting for him to get it, but he said it was impounded, so I decided he didn't have a car. So we started we was going to hitchhike to my Mom's house. We went up to California, Garverville, something like that. Then turned around and decided to go to Kentucky. He said his other brother was dead, and he wanted to go see his mother about it, and we went to Kentucky. We hitchhiked there.

Bob: All the way there.?

Carol: Yeah, I think we stole a car. Some peoples car, Tom stole it.

Bob: Did you stay back in Kentucky for awhile?

Carol: We didn't even stay there overnite, just for a day I think.

Jim: Was Tom afraid that some body would catch up with him there.?

Carol: Yes he said he was wanted, but Tom was pretty screwy I didn't beleive every thing he said. He told me that he had killed people before and stuff and I didn't beleive him. I thought what kinda line as this.

Bob: Had you been with Tom when he killed any body else besides the other two fellows?

Carol: No

Bob: Are you inclined to beleive his stories now.? After what happened.

Carol: Yeah, I guess. After that happened I thought well I'm gonna die, I thought maybe I'm not cause he could have shot me when he shot the other two guys.

Bob: Did he scare you there when he shot those other two fellows.?

Carol: Yeah

Bob: Did you try to run away from the car.?

Carol: I don't really remember but I don't think I ran because there was no place to run to. I thought he would just run after me.

Bob: You said that you had hitchedhiked back to Kentucky, how did you get back to Idaho Carol?

Carol: This guy that we had a ride with, he had a stolen car so we stole it from him. He told Tom that, it was a hot car so we took.

Bob: Was that back in Kentucky?

Carol: I think it was in Virginia.

Bob: Did you drive it all the way to Idaho?

Carol: Yeah

Bob: Did you drive clear to Lewiston Carol?

Carol: Almost we left it somewhere. I don't remember where. I don't remember what he done with it.

Jim: Just west of ------near Peck?

Carol: I don't know I can't remember where we left it.

Jim: What color of car was that.

Carol: It was a red Grimlum.

Jim: Did it have Virginia licenses on it.

Carol: I think, it had some plates from back east.

Jim: The fellow that you and Tom stole it from, where was that at that you took it.?

Carol: Virginia I think. I don't know it was the next state to Kentucky.

Jim: Before you took the car from him, did he and Tom do some burglaries.?

Carol: Yes

Jim: Do you remember where those were.?

Carol: There just on the road. I don't know where they were.

Jim: In Virginia?

Carol: No, before we got to Kentucky.

Jim: Just along the route all along the way.

Carol: Yes

Jim: What all did they get? Do you remember?

Carol: Nothing worth anything. Ciarettes and candy bars andfood.

Bob: Did this fellow pick you and Tom up before you got to Kentucky?

Carol: Yeah, he picked us up in Texas or right out of Texas.

Bob: And then the three of you went to Kentucky is that it?

Carol: Yeah

Bob: Then were there robberies there in Kentucky. Where did you take the car from him?

Carol: Some where in Virginia at a restaurant.

Jim: Do you remember what his name was?

Carol: No

Bob: Did he have a nick name that you called him by?

Carol: No I probably knew his name but I don't remember it. Cause we was with him for a long time. I don't remember his name.

INTERVIEW AT NEVADA STATE PRISON, CARSON CITY, NEVADA, JUNE 17, 1975

Persons present: Carol Spaulding, Bob Remaklus, Valley County Prosecutor; Lynn E. Thomas, Deputy Attorney General, State of Idaho

THOMAS: We wanted to make a recording of this because we had some more questions we want to ask you if you are willing to answer them.

REMAKLUS: How long have you been down here?

SPAULDING: I came down one week and I went back the next and then I came back.

REMAKLUS: Yea, I didn't have a chance to come over to Caldwell to see you when you were there.

SPAULDING: Yea, my Mom didn't either.

REMAKLUS: Yea, well we got caught in a real funny deal up there, you know, and then trial was postponed, and Christ, we didn't know where anybody was going, and so we still don't know what we're going to do, Carol, so we though we'd better come down and see how you're getting along. Anyway, you look healthy, young lady.

SPAULDING: I just want out of here.

REMAKLUS: Oh, I don't blame you, not a bit.

SPAULDING: I understand that I'm eligible for parole in July, is that right?

REMAKLUS: I don't know, do you Lynn?

THOMAS: No, I don't.

SPAULDING: Well, a federal law that my jail time counts, that's a federal law.

REMAKLUS: Yea, I think you get credit, yeah.

SPAULDING: And that will make 8 months sooner, (unintelligible)

REMAKLUS: Well, I don't, I wouldn't want us to encourage you, because I don't know, but it very well could be, Carol. I would imagine that your jail time would count, but I don't...I've never had occasion to follow up on any of that. Lynn had some questions he wanted to ask you. I don't know what they are. Do you want to lead out first?

THOMAS: Yeah, I can do that, or you can go ahead with your questions first. That might be best.

SPAULDING: I don't understand what this is.

THOMAS: Well, we have somemore quetions. Now, you remember you talked to Bob once before and he went over some questions that he had with you at that time.

SPAULDING: Yea, well I'm kind of jittery about having a tape recording. It kind of bothered me.

REMAKLUS: Well, it's okay.

THOMAS: Well we need to do it so that we can have a record that we can transcribe and read over it again.

REMAKLUS: It takes so long to write it out in longhand is the only reason we're doing that. Any time you want us to stop we'll turn it off.

THOMAS: You don't have to answer any questions that we ask, and if you don't want us to ask any questions we won't.

SPAULDING: Well, is it about Tom?

THOMAS: It is about Tom, yes.

REMAKLUS: Now he wrote quite a long..like the beginning of a book.

SPAULDING: Yea I guess so. I know wrote him and asked him for some money. I said if you are making money off it, send me some, but I guess he didn't, so

REMAKLUS: Yea, here's one he wrote about Maxwell. Let's see, I haven't seen Tom since...well you were up in Idaho then and we were in court once up to Grangeville, and he was up there for a few days and now he's back over in Boise. I want to ask you..I don't know really where to start, but I want to start when you first met him. Was he working with the carnival when you first met him down there?

SPAULDING: Yea.

REMAKLUS: And was you Dad working with that same carnival? Was that it?

SPAULDING: Well he wasn't there. I planned on meeting my Dad there, but he wasn't there, he [illegible]...

REMAKLUS: That was around Sacramento wasn't it, where the carnival was?

SPAULDING: It was in Fresno.

REMAKLUS: In Fresno.

THOMAS: Do you remember when that was, Carol?

SPAULDING: No, it was around the first of September.

THOMAS: 1974?

REMAKLUS: No.

SPAULDING: That was last year, 1974.

REMAKLUS: It would be '73,

SPAULDING: No.

THOMAS: This is '75.

SPAULDING: I only knew him two months before he got arrested.

REMAKLUS: Oh, that's right.

SPAULDING: I only knew him for a very short time.

REMAKLUS: Yeah, that's right.

SPAULDING: No, I mean like when I met him the only reason I went with him was because I wanted to see my Mom. I understood that he had a car which I never saw.

THOMAS: Did you go from Fresno to Idaho, or did you go with him to some other place?

SPAULDING: We started to Idaho, and then we turned around and went to Kentucky. But then we ended up going to Idaho.

THOMAS: Do you remember when you went to Kentucky, approximately?

SPAULDING: In the middle of September.

THOMAS: And you went from Fresno to Kentucky?

SPAULDING: Well we got right up to the top of California because I was headed for home, I wanted to see my Mom, and then he said his brother died, so I thought well he's comin' home with me, I might as well go home with him. We then went to see his parents. I guess he just made up a big story is what I understood.

REMAKLUS: How did you get...when you and Tom...you left the carnival didn't you, together. Did he tell you he had a car at that time?

SPAULDING: Yea.

REMAKLUS: But he didn't. Did he steal a car or did you hitchhike?

SPAULDING: We hitchhiked, but after while he stole a car.

REMAKLUS: Was that still in California, Carol?

SPAULDING: Yea, he stole it in Barstow, California.

REMAKLUS: How far did you drive that car?

SPAULDING: To Albuquerque, New Mexico.

REMAKLUS: And then where did you go from Albuquerque?

SPAULDING: Then we went to Kentucky.

REMAKLUS: Well what did you do, go up towards northern California and then double back down south?

SPAULDING: Yea.

REMAKLUS: Did you guys get in any kind of trouble in, uh, out of Flagstaff?

SPAULDING: Huh uh.

REMAKLUS: Anywhere around in Arizona?

SPAULDING: When we was in Flagstaff we were only there for maybe an hour at the most. We stopped and had coffee.

REMAKLUS: And then you went on...where did you leave the car that you stole?

SPAULDING: Oh, we met these people in Flagstaff and we gave it to them.

REMAKLUS: Where did you go from Flagstaff? How were you traveling then, Carol?

SPAULDING: I don't think we went to Phoenix, we went through New Mexico.

REMAKLUS: Through New Mexico?

SPAULDING: Yea, Albuquerque is in New Mexico.

REMAKLUS: Yes.

SPAULDIN G: I think we went straight into New Mexico it seems like. I don't remember any state.

THOMAS: Do you remember when you get to Kentucky?

SPAULDING: Probably the end of September, approximately. I'm really not sure. (unintelligible)

THOMAS: To the best of your recollection it would be that it was around the end of September when you arrived there?

SPAULDING: Yea.

THOMAS: And do you remember how long you stayed?

SPAULDING: We didn't even stay a full day. We was there..I guess he had some relatives there..we seen some of his relatives..two of his aunts. I remember that we just had short visits with them.

THOMAS: And then where did you go when you left Kentucky?

SPAULDING: Well we was hitchhiking with this guy and he was going up through Virginia and up that way, so we started going with him, and then we took his car and we went to Lewiston. So I think we went in to Virginia.

THOMAS: You took his car?

SPAULDING: It wasn't his car, he took it from someone too.

REMAKLUS: Did you drive the same car all the way from Virginia to Idaho?

SPAULDING: Yea.

THOMAS: Well what happened to the guy that had the car?

SPAULDING: I don't know, we left him in a restaurant.

THOMAS: Oh, and then you drove all the way to Lewiston in that car?

SPAULDING: Right by Lewiston, right outside of Lewiston.

THOMAS: Do you remember when, approximately, you got to Lewiston?

SPAULDING: It was right before Halloween.

THOMAS: That would be shortly before the end of October?

SPAULDING: Yea.

THOMAS: Now, as I understand it, you left Kentucky about the end of September and did you spend a month getting to Lewiston from Kentucky?

SPAULDING: It doesn't seem like that, we drove straight through. But there might be something...

REMAKLUS: Did you have any money then?

SPAULDING: Well you remember this guy that had that car, they stole a bunch of cigarettes and stuff and sold them, a bunch of cartons of cigarettes. I guess his folks give him some money.

REMAKLUS: Tom's folks?

SPAULDING: His aunts give us some money that we had.

THOMAS: In Kentucky?

SPAULDING: Yea. It wasn't much of it..

THOMAS: Is it possible that you left Kentucky later than the end of September?

SPAULDING: Yea it is, because I got home later.

THOMAS: Can you recall about how long it took you to drive across the country from Kentucky to Lewiston?

SPAULDING: A couple weeks.

THOMAS: A couple weeks.

SPAULDING: We stopped along.

REMAKLUS: Did Tom work anywhere or did you work anywhere?

SPAULDING: No, Tom told me that he had some money, the whole time he kept telling me, you know like he told me he had money when I met him, but he never ended up to have any.

REMAKLUS: Well how did you live coming across from Kentucky? Did you stop, did he rob anything on the trip west?

SPAULDING: It ended up with him and this other guy, but I wouldn't get involved, I told him I wasn't going to get (Unintelligible)

THOMAS: Were you ever with Tom at a place called the McCoy Ranch in California?

SPAULDING: Yea, that was on our way, that's when we was going from California...we was there (unintelligible)

THOMAS: What can you tell me about that place? What did you see there...

SPAULDING: I thought it was a really nice place. It's really pretty.

REMAKLUS: Where's that?

SPAULDING: Malibu, Malibu, California. It's up on a hill.

THOMAS: Was there a house there?

SPAULDING: Yea, and there was a trailer. He had a bunch of gardens.

THOMAS: Did you meet any people there on the ranch?

SPAULDING: I didn't, I guess Tom did.

THOMAS: How long did you stay there?

SPAULDING: Not even a day. We was going to work there, but we never did because he wasn't paying us nothing except vegatables, so we didn't work there.

THOMAS: Well do you remember approximately when you got there, to the McCoy Ranch.

SPAULDING: That was right after I met him. A week in September.

THOMAS: Sometime around the middle of September?

SPAULDING: Yea, maybe a weekend in September we was there.

THOMAS: You think you met Tom around the first part of September, and then within a week was when you were at McCoy Ranch.

SPAULDING: Yeah.

THOMAS: Did you see anything unusual or hear anything unusual at the McCoy Ranch?

SPAULDING: No, just this Mr. McCoy, he seemed pretty weird.

THOMAS: Could you describe him and tell me as much as you can about Mr. McCoy?

SPAULDING: Well we got there and you know, we heard he was hiring people, so that's why we went there. Some other people that lived up on a different mountain told us that he hired people, so we went up there and he told us all about...he showed us his vegetable garden, and give us some vegetables. He said tomorrow we could go to work and he give us a couple handfuls of vegetables. He told us that this is the only food that's any good for you..he's a vegetarian I guess. He just seemed weird. I guess the only other people I saw there were people working, but I didn't really see close up, I seen them from a distance (unintelligible) people worked in his garden.

THOMAS: Did you meet the foreman of the ranch? Do you remember there being a foreman around?

SPAULDING: There was a guy, a Mexican man, Salvador I guess, Tom told me about him, he told me he was as crazy as the old man, but I didn't really...cause we just, well we got there and there was this little shack and we was supposed to live there according to Mr. McCoy, so I just went down and went to sleep because I was really

tired, and while I was asleep Tom was running around looking at everything, I guess, and he said he met this Salvador there.

REMAKLUS: Is the old man, is that Mr. McCoy?

SPAULDING: Yea.

REMAKLUS: Is he elderly?

SPAULDING: Yea, he was old.

REMAKLUS: Anything unusual about him? What did he look like, how did he dress?

SPAULDING: I can't really remember. I don't think he dressed too good. He just seemed weird.

THOMAS: What could you...could you sort of pinpoint in your mind what it was you thought about...that was weird about him.

SPAULDING: That fact that he wanted us to work for vegetables for just a couple vegetables.

THOMAS: You thought that that was strange.

SPAULDING: Yea I thought, and to live in a dump like that. We understood we was going to get room and board.

THOMAS: But you stayed in the shack?

SPAULDING: I just stayed..he just stayed a little while, and then we got up and left because we wasn't going to work there.

REMAKLUS: What were you traveling in?

SPAULDING: We were hitchhiking.

THOMAS: Did Tom say anything about having been at that ranch before?

SPAULDING: Huh uh, because I didn't think Tom had ever been there because these people referred it to us.

THOMAS: Who was it that referred you there do you know?

SPAULDING: These people that let us stay overnight at their house

THOMAS: Where was that?

SPAULDING: It was on another mountain.

THOMAS: In or near Malibu?

SPAULDING: Yea, we was in Malibu.

THOMAS: And they told you about McCoy's place.

SPAULDING: Yea, they said that this McCoy guy would let us stay there.

What about this McCoy's ranch? What happened there, I'd like to know.

THOMAS: Well

SPAULDING: 'cause some guys from Los Angeles came to talk to me about it once.

THOMAS: We're trying to find out whether anything happened there or not. There was some contention that Mr. McCoy may have been involved with a cult of some kind that was performing human sacrifices. Did you ever hear anything like that?

SPAULDING: Not until these investigators from Los Angeles came. I was just kind of curious, cause I always though. he was some kind of nut...when I was there he just...he seemed insane.

REMAKLUS: Probably a good thing you got out of there, because it was young girls

SPAULDING: Yea, that's what I think

THOMAS: About how long were you there, more than a day?

SPAULDING: Oh no, we was there oh 6 hours.

REMAKLUS: Oh, you didn't stay all night then?

SPAULDING: Huh uh, we didn't stay that night. We got there in the morning, and then he give us some vegetables, and then that was a big disappointment, so we just went and found this shack and went to sleep...I went to sleep, I don't know where Tom went, I don't know what he did while I was asleep, but he talked about this Salvador guy that was riding around on a horse and he said he was pretty crazy too.

THOMAS: Did you see any, uh...was there any stove or any other kind of utilities in the shack that you stayed in?

SPAULDING: No, it was just nothing, like a grass hut.

THOMAS: Did you cook anything in there, or have a fire in the place at all?

SPAULDING: No, I think there was a place for a fire, but I'm not sure, I can't remember, it was so long ago.

THOMAS: Were you ever with Tom in a place called Jean, Nevada?

SPAULDING: We didn't go through Nevada when we went through

California, we went through Arizona when we went out of California.

THOMAS: Did Tom ever mention knowing anybody in Nevada?

SPAULDING: I don't know, I don't think so.

THOMAS: Did he ever tell you anything about any kind of narcotics smuggling operation that he knew about?

SPAULDING: Yea, it was down in California I think.

THOMAS: Who was involved in that?

SPAULDING: He didn't say nobody, he just said he had a lot of money and a lot of dope, but he didn't have neither one.

THOMAS: Tom said that?

SPAULDING: Yea.

THOMAS: Did you ever meet anybody named Jerry and Donna Sage?

SPAULDING: We met a Jerry and Donna, that were the people we give the car to, but I don't know if they was the same ones, cause...

THOMAS: Where did you meet them, do you remember?

SPAULDING: In Flagstaff, we picked them up and then we give them the car in Albuquerque, but he said he knew another Jerry and donna, in Barstow or Fresno. But I didn't meet them.

THOMAS: The people that you met in Flagstaff, you say you gave the car to them. Which car was that?

SPAULDING: That's the one we stole in Barstow.

THOMAS: I see. Then what did they do? When was the last time you saw them?

SPAULDING: Well we stayed in a motel that night and let them use the car, and that was the last time I seen them. They went out and got drunk I guess.

THOMAS: Do you remember when approximately that was?

SPAULDING: No, probably about 2 weeks in September, maybe 3.

THOMAS: Was that after you had left the McCoy place?

SPAULDING: Yea, the McCoy place was one of the first places we went together.

THOMAS: Can you describe these Sage people, Jerry and Donna or whoever they are?

SPAULDING: Don't know if that was their last name or not, but they were from Colorado, Warm Springs, Colorado.

THOMAS: Warm Springs?

SPAULDING: Uh huh. They were high class.

THOMAS: What did they look like?

SPAULDING: Jerry he had dark hair and he was pretty big. He wore a real attractive cowboy hat and he had lots of guitars and stuff. I guess he was a performer. His wife Donna she was real nice, real fancy looking. I think she was blond, I don't remember.

THOMAS: Now it was in California where you saw them?

SPAULDING: No, we met them in Barstow. Their car broke down and we gave them a ride.

THOMAS: Where is Barstow, is that in California or Nevada?

SPAULDING: No, in Flagstaff is where we met them.

THOMAS: And for what period of time were you with them, how long, do you remember that?

SPAULDING: Just long enough to drive from Flagstaff to Albuquerque.

THOMAS: Uh huh. Then they took the car at that point, huh?

SPAULDING: Uh huh.

THOMAS: Did Tom say anything about them after they had gone?

SPAULDING: No.

THOMAS: Do you remember what kind of clothing they were wearing the last time you saw them?

SPAULDING: They were fancy, like he had a real fancy cowboy hat with little things around it. They had luggage and stuff.

THOMAS: How about, now you sort of described Jerry as having a cowboy hat and

SPAULDING: Yea, I remember that because he always wore that.

THOMAS: How about Donna, what did she wear?

SPAULDING: I can't remember, nothing too out of the ordinary. She had a coat with fur around it, around the bottom.

THOMAS: Was she wearing a dress, or slacks or

SPAULDING: Slacks.

THOMAS: A blouse or T-shirt or anything of that kind?

SPAULDING: Oh I can't remember, that's so long ago. We didn't know them that long for me to notice.

THOMAS: Was there any incident that you can remember involving a fellow that you met in a cafe in California, that supposedly gave you some trouble about your buying a bunch of different things like coke and root beer and milk?

SPAULDING: In California?

THOMAS: Or some other place? Do you remember any incident like that?

SPAULDING: Huh uh, no. Well usually all the places I went with Tom I usually didn't go in, except you know like restaurants for coffee I went in. Most of the time he went in bars and had a beer. I can't go in bars and I don't drink beer, so I just wait out in the car. So I really...it didn't seem like he got in fights though, he'd always come out okay.

THOMAS: Did Tom ever talk to you about any of the satanist cults or anything like that?

SPAULDING: No...no he didn't, but I think once just before we got arrested, he said I'm a satanist. I thought you're crazy, and I thought....I don't care.

REMAKLUS: Did he tell you anything about what it is to be a satanist?

SPAULDING: No, I just thought it was someone that believe in satan, I didn't think nothing of it. I just thought, you know, big deal.

THOMAS: Apart from these two people that were involved in the shooting up in Idaho, did you ever see Tom harm or kill any other person?

SPAULDING: No, he was always really, seemed like a nice guy. But after that he didn't seem so nice.

THOMAS: Did he ever talk about...in any kind of terms...about people who pushed dope or things like that? Was he critical of people who were dope pushers?

SPAULDING: I don't think so...

REMAKLUS: Carol...

SPAULDING: Nothing about it.

REMAKLUS: You know the night Tom killed those two fellows up at Donnelly, had you stopped at McCall just..you remember the little town you went through just before you stopped there, when Tom killed those two guys, that was Donnelly, just a little old wide place in the road.

SPAULDING: Yea, I don't remember that town, but I remember McCall.

REMAKLUS: Okay, did you stop there in McCall? Did you go in any-place there?

SPAULDING: I think I went into that big motel over by the lake.

THOMAS: The Shore Lodge?

SPAULDING: I don't know the name of it.

REMAKLUS: Did you go up some steps and then into a lobby then you can look right on the lake?

SPAULDING: No, I don't think so.

REMAKLUS: Did you go to a place called the Yacht Club?

SPAULDING: No.

REMAKLUS: Did Tom get in a fight with somebody there, or did

SPAULDING: No, I wouldn't know, I didn't know if he did. You know, like all the way down, everywhere we went, he would always go in and get beer and stuff, I don't know what happened.

REMAKLUS: Well, we keep hearing about a fight there at the Yacht Club, and very frankly, I don't think, obviously there was a fight, but I think it was Saturday night and you and Tom didn't get to McCall until after that did you?

SPAULDING: I don't know. I think it was a Sunday.

REMAKLUS: When did you leave your Mother's place?

SPAULDING: Uh, it was the day before the World's Fair ended. I don't know the date. I remember that because my sister went. It was going to close the next day.

REMAKLUS: And then, uh, but what I, did you get into McCall the same night that you left your Mother's place?

SPAULDING: Yea.

REMAKLUS: And then it was that same night that Tom shot those two guys there by Donnelly, wasn't it?

SPAULDING: Yea.

REMAKLUS: That's the way, that's what I understood it to be.

SPAULDING: Yea. I don't think he got in any fight though, because if he would, I would have known.

REMAKLUS: Well, I agree with you, I think that's right I think you would have known about it, he probably would have talked about it, you know, in your car.

SPAULDING: Yea

REMAKLUS: But there at McCall, did the men all get out of the car at McCall? Or did you get out?

SPAULDING: I don't remember, I got out to walk around and stretch, but I don't remember, I think they did but I'm not sure, I can't say for sure, but I think so.

REMAKLUS: Well listen, Lynn doesn't know too much about what happened there at Donnelly, when the guys got shot, so would you just tell him about it please.

SPAULDING: Well, I really don't like to talk about it.

REMAKLUS: I don't blame you.

THOMAS: I don't blame you either, but I'd sure appreciate it if you could tell us, because it is difficult for us

SPAULDING: It's already on one recording, isn't it? Jim Maxwell.

REMAKLUS: Did Jim make it, I guess we made it

SPAULDING: Now who are you?

REMAKLUS: Well he is going to help me in the trial.

SPAULDING: When is the trial?

REMAKLUS: We don't know yet. Judge Durtschi hasn't told us yet. I think we're going to find out the 30th.

SPAULDING: Of this month?

REMAKLUS: Yea, that's what I understand, is that right what Judge Durtschi said

THOMAS: Yea, right.

SPAULDING: Well why was my parents subpoenaed?

REMAKLUS: To uh, just to identify that gun. Yea, I met your Mother and Mr. Schreiber.

SPAULDING: Yea.

REMAKLUS: Yeah, they were down there.

SPAULDING: Then why didn't you tell them where I was, cause I wanted to see them.

REMAKLUS: Well, yea I know, but everything, we started to pick a jury and then when finally the Judge granted the motion then it was late in the day, and I don't know exactly what happened, why your Mother and Mr. Schreiber had to get back to

SPAULDING: They couldn't find out, nobody would tell them where I was. They didn't know I was in Caldwell or they would have come up and asked for me.

REMAKLUS: Well I don't remember, it's only about a hundred miles so they probably will. We may, Carol, we may go back up north of Lewiston and have the trial, and of course you'd get to see your Mother then.

SPAULDING: Yea, well I want to get out in July.

REMAKLUS: I don't blame you. What are you going to do about your baby?

SPAULDING: I'm going to keep it.

REMAKLUS: What kind is it going to be, is it going to be a boy baby or a girl baby?

SPAULDING: I don't know.

REMAKLUS: Guess it doesn't make any difference, does it? Both kinds are pretty nice.

SPAULDING: Yea. When I get out, I'm going into a program where I can have it, I think, but then I'm going to have it near because I'm going to go in this program and get an education and job training.

REMAKLUS: What kind of work do you think you want to study for or train?

SPAULDING: I haven't thought about it too much, secretarial, I guess, I know a little about that.

REMAKLUS: Where would this training program be?

SPAULDING: This is Seattle.

REMAKLUS: Did you find out about that since you've been here?

SPAULDING: Yea, my friend in Seattle is helping me with it. She used to be a case worker I guess and she knows about it.

REMAKLUS: Carol, I want you to tell Lynn about that there at [illegible] Donnelly.

SPAULDING: Well, you have it on another tape.

REMAKLUS: Well, why don't you just go through it, it will only take you a minute.

SPAULDINC: Why do you want it on tape?

RAMAKLUS: So we can have it transcribed and (unintelligible) is all. Do you want us to turn off the recorder.

SPAULDING: I just don't want to talk about it really.

THOMAS: Well, could I ask you, without going into the details, let me ask you this question. Did these two people, Bradford and Arnold, did they attack you or make any advances?

SPAULDING: They didn't attack me they just kinda, they were drunk. They just started acting fresh kind of.

THOMAS: But did they make any move that made you feel threatened in any way?

SPAULDING: They just made me feel like moving on.

REMAKLUS: Did they put their hands on you?

SPAULDING: Yea.

REMAKLUS: Where did they put their hands on you?

SPAULDING: Just had them over my shoulder and they were trying to get down in my breast and I was just kind of moving over. I didn't like that.

THOMAS: But did they go beyond that?

SPAULDING: I don't know, they were just laughing and drunk. Whatever they was doing they thought it was real funny.

THOMAS: Did either of them try to rape you or anything like that?

SPAULDING: They didn't attack me. They was like one guy was driving and the other was passed out kind of in the back. He wasn't really passed out, he was just laying there. He'd laid there from the time he got in the car.

THOMAS: He wasn't doing much of anything, the guy in the back?

SPAULDING: He was kind of laughing and reaching up over my shoulders.

REMAKLUS: Was he the one that was trying to put his hand on your breast, the one in the back seat?

SPAULDING: Both, well the guy in front started to put his arm around me and I moved off.

THOMAS: Would you say it was more of an annoyance than something that made you think that you had something to fear from them?

SPAULDING: I don't know, I was just, I mean I first thought God, whatis wrong with these guys.

THOMAS: Were you afraid of them, let me ask you that.

SPAULDING: I don't think so. I think if they had gone any farther it would have started scaring me a little.

THOMAS: But you weren't frightened by them at least up to the point that they did go?

SPAULDING: If they would have stopped I wouldn't have been, but they just wouldn't leave me alone.

REMAKLUS: Did they kind of give you the willies?

SPAULDING: Yea, they weren't my type.

REMAKLUS: It was pretty dirty in the car, wasn't it, Carol?

SPAULDING: Yea.

REMAKLUS: Didn't that one fellow mess in the back seat?

SPAULDING: Yea, they were siphoning gas and they put the hose back there, and I thought the hose was leaking - d the hose kept leaking. They say oh the hose is leaking, and I'd go oh, no its not.

REMAKLUS: It was him, wasn't it?

SPAULDING: Yea, he was going to the bathroom in the back seat and I thought "oh, no." It was kind of sick. They was all drunk, even

Tom was.

REMAKLUS: You weren't were you, Carol?

SPAULDING: No, I don't drink. I don't like beer, I think it's icky.

THOMAS: Were you outside of the car when Tom shot these two guys?

SPAULDING: Yea.

THOMAS: And they were both inside? Is that right?

SPAULDING: Yea. Tom was outside too.

THOMAS: So in other words you and Tom were outside of the car and they were both inside?

SPAULDING: Yea. Was getting out to go to the bathroom.

THOMAS: You were already out though, is that right?

SPAULDING: Yea, I'd just got out and he just shoved me away real quick, and by the time I even stopped being shoved he had them shot.

REMAKLUS: I wonder why he shot the one in the front seat. Do you have any idea? Did he ever say?

SPAULDING: Huh?

REMAKLUS: Did he ever say why he shot the driver? he C.S.

SPAULDING: I don't know. Then after he shot them ~~we~~ he put them in that ditch. Then he started kicking them around saying "fuck with my lady again, huh." Started talking to them. I was really scared. I said "Tom, why did you do it?" He said "just get in the car." That's all he said was just get in the car. We got in and started driving.

REMAKLUS: It was getting pretty cold that night wasn't it, Carol?

SPAULDING: Yea, it was real cold.

REMAKLUS: Cause I remember the next day when we were out there, when we found the bodies, I went out there about an hour and it was cold.

THOMAS: Let me ask you this, Carol. After the car, I guess the car ran out of gas down the road somewhere is that

SPAULDING: Yea it did, we just parked it.

THOMAS: You got a ride into Boise with somebody, is that correct?

SPAULDING: Yes

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

J. RAY DURTSCHI — District Judge Presiding
Fall — Term
75 — Term No.
John Gambee — Reporter
One Hundred Ninetieth — Judicial Day
October 3, 1975 — Date
10:05 a.m. — Time
Wallace — Place
Idaho

Docket No. 9701

STATE OF IDAHO, — Plaintiff

vs.

THOMAS EUGENE CREECH — Defendant

APPEARANCES:

Robert Remaklus & Lynn Thomas — For Plaintiff

Bruce Robinson — For Defendant

Subject of Proceeding: MOTION TO SUPPRESS EVIDENCE

BE IT KNOWN, that the following proceedings were had, to-wit:

This hearing is on a Motion to Suppress evidence of the statement of Nov. 8, 1974. There is no Affidavit supporting Motion the defendant will be called to submit evidence in support of this Motion.

Mr. Robison made statement that there are two parts to this Motion.

1. All investigation reports, statements by the defendant and Carol Spaulding. He claims that the defendant was under the influence of drugs at Mountain Home, and not full consent, not in right mind, and not understanding the miranda warning given to him. He does not believe that the defendant was in command of full faculties to make a statment at that time.

2. That this statement is highly prejudicial to defendant, as it refers to out of state involvments and also in-state involvments. Mr. Robinson feels that at least a part of this statement should be suppresed.

The court stated that his concern is that nothing prejudicial be reported to the paper until the jury is selected. He advised all that there is an Order entered regarding publicity.

Mr. Robinson said that he is satisfied that all present in court are qualified to remain.

Mr. Remaklus said that he has had no affidavit to go on and asks the court for a continuante to get other witnesses.

Defendant, Thomas Eugene Creedh was called, sworn and direct examined by Mr. Robinson. He said that he was apprehended in this matter on Nov. 8, 1974. He was born on Aug. 9, 1950, being 24 years of age. He has used most drugs, some of which were marijuana, cocain, speed and LSD, also window pane (acid). He took drugs just before his arrest in this matter. He feels that this affected his mental condition and spaced him out. He can remember being in two different jails and can identify some of the people he talked to, such as Mr. Maxwell and Wes Woodall, can't remember anyone else, nor can he remember just what he was told or what he said. He thinks that he was given miranda warning. He has read the statement, and recalls some of it but not all of it, someone else wrote it down while he was talking. He is not sure that he read the statement after it was made and that he signed it.

Mr. Robinson asked the defendant to write his full name that he used as his signature.

Defendants Exhibit A (signature) marked.

Deputy Clerk

Approved:

District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH, Defendant — Docket No. 9701 — October 3, 1975 Date

(CONTINUED)

Defendant testified that his signature is not always the same.

He was asked if page 2 of the statment, if that was his signature.

Defendant said that he was not sure of page 2 nor page 3, but said that the signature on page 4, 5, 6 and 7 were not his.

Defendants Exhibit B (photo copy statment 11/8/74) marked.

Mr. Robinson asked the defendant when he felt that he was in control of his full faculties?

Defendant said after Thangsgiving at the Ada County Jail. He does remember some things that happened before that time. Visits from different police officers. He was on medication at that time. After Dec. 24, 1974 he recalls most events. On Nov. 8, 1974 he was not able to understand what was told him nor to give correct responses. He thinks that his rights were given to him, but he does not know how he responded to them.

Mr. Remaklus cross examined the defendant. He asked if he was denying that he signed the voluntary statement.

Defendant said that it looked like his signature, but did not remember.

He was asked where he was on Nov. 7, 1974?

Defendant said he was in Boise, Idaho with Carol Spaulding, Jim Marsh and another kid. He does not know how long he was in Boise, he did do some target practicing, does not remember just who was there.

He said that he and Carol were picked up at a rest stop, lat at night by Steven Rivers. No one was with Rivers when he picked them up. They asked Mr. Rivers for a ride, but he does not remember who was driving when they left the rest stop.

He was asked if he had acid with him in Lewiston, Idaho?

He said that he did, that he used it alot.

He was asked about his arrest at Glenn Ferry?

Defendant said that he does not remember much of this, except that there was a shot gun and that made him nervous. He said that he had taken acid just before the officers stopped the car.

He was asked about making the statement the next afternoon after his arrest?

Defendant said the statement was made to Jim Maxwell and Wes Woodall, that Mr. Woodall was ther all the time. He remembers being hand cuffed to Mr. Maxwell, but does not know just where he was. He is not sure that the statement is his. He has seen a copy of statement before, and the initials TEC are his but he is not sure that he put them on the statement. The signaute could be his but he is not sure. He remembers the topic and questioning about double murder and armed robbery. Mr. Remaklus read some of the statement facts to defendant. He said that he is not denying that he signed the statement but is not sure that it is his signature. He said that he felt that the time of day on statment was correct as it was taken in the day time.

Court recessed 11:00 a.m.

Approved: J. Ray Durtschi, Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant

Docket No. 970

Oct. 3, 1975 Date

(CONTINUED)

Court reconvened 11:10 a.m.

Mr. Remaklus continued examining the defendant. He asked if he made the statement on page 1, that Wayne tried to rape Carol.

Defendant said that he was not sure.

State's Exhibit 1 (poem) marked, identified, offered and admitted.

He was asked about a conversation with Bud Mason?

Defendant said he did talk to Mr. Mason , but not sure what he told him

Mr. Robinson re direct examined the defendant regarding his talking with Mr. Maxwell and Mr. Woodall.

He was asked when the poem, States Exhibit 1, was writtenand was his mind clear then? He answered that it was on May 22, 1975, the day of the mis-trial.

Witness excused.

Mr. Robinson said that there was nothing further.

George Menzik, Glenns Ferry Police Officer, called, sworn and direct examined by Mr. Remaklus. He presented testimony as to his schooling and expierence in drug matters. On Nov. 8, 1974 he was not on duty but was called unexpectedly by Officer Hill to assist in arrest. This call came about 2:15 a.m.. He told what happened after meeting Officer Hill and the arrest of defendant and Carol Spaulding. He described the manner in which Miranda Warnings given, and that the defendants nodded yes with their head when asked if they understood rights. He told of finding black bag in the Rivers car, with a weapon in it, he also found knife. He found no bottles or containers in which drugs were. He told about going to the police station, the appearance of defendant was blood-shot eyes, he seemed to be coherent, he was nervous, but had no trouble speaking or answering questions put to him. He first said that his name was Tommy Tumner at the Glenn Ferry station. From there the defendant and Spaulding were taken to Mountain Home, also Mr. Rivers. He said that he could hear the Defendant and Miss Spaulding taling in back of car on way to Mt. Home, but could not hear what was being said. After their arrival at Mountain Home Dective Freeman and Mr. Hill went upstairs with the defendant, he went with carolSpaulding and Mr. Rivers down stairs, had no more to do with the defendant. He described the appearance of the defendant about the same as his behavious today.

Mr. Robinson re-cross examined the witness regarding the appearance of defendant, and if he appeared to be on hard drugs? He said that he would not say defendant was spaced out on drugs at the time of arrest He again told of the arrest of defendant, Miss Spaulding and Mr Rivers. He said that it was his opinion that defendant was not under the influence of drugs.

Witness was excused.

Jack Freeman, Mountain Home was called, sworn and direct examined by

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant

Docket No. 9701

Oct. 3, 1975
Date

(CONTINUED)

Mr. Remaklus. He said that he was a detective employed by the Sheriffs Dept. of Elmore Co.. He gave past expierence and schooling. He said that it was his duty in Mountain Home to see to drug enforcement, investigation of felonies and to enforce the drug laws through out the entire state. He stated that he knew the effect that LSD and other drugs had on people, he has seen these symptoms in his work,

He said that he was called to Glenns Ferry when the defendant was arrested. He was able to observe the defendant there, and he acted like any normal person that had been arrested. He said that he rode in the car to Mountain Home with the defendant and Miss Spaulding. They talked but he couldn't hear what was being said.

At Mountain Home he said that he gave the defendant the Miranda Warning, and then presented each of the defendants with a Notice of Righs and a Waiver. These waivers have ha place for signature and place for two witnesses.

State's Exhibit No. 2 (Notification of rights) marked, identified, offered and admitted.

He said that the initials of T.T. were placed on the sheet (ex #2) by the defendant, Creech, as his name had been given as Tom Turner at first. The witnesses were Mr. Menzik and Mr. Freeman. This was done at about 4:47 a.m. at Mountain Home.

Court recessed for Noon.

Court reconvened 1:30 p.m.

Jack Freeman took the witness stand again and examination continued by Mr. Remaklus.

State's Exhibit #2 was offered and admitted.

Mr. Remaklus examined Mr. Freeman regarding his trip to Mountain Home, the appearance and conduct of both the defendant, Mr. Creech and Miss Spaulding. He said that the defendants person had been searched at Mountain Home and that they had looked for trach marks (marks left by needles) on defendant but found nothing but a couple old ones, nothing fresh. He felt that the actions of the defendant were normal. He said that he examined the clothing took from the defendant and found no drugs. He did not feel that the defendant was on drugs, he was just nervous. His conduct was much the same as tody, only defendant is not as nervous here in court at this time but his facial features and manner of speech is the same.

Mr. Robinson cross examined the witness. He asked about the defendant action when arrested? Mr. Freeman said that the speaking of the defendant is a little slower in court today, and he is not as nervous. Mr. Freeman related what happened the night defendant arrested. He said that the defendant first identified himself as Joe Adams, he produced drivers license for that person, then he changed it to Tom Turner and later to Thomas Creech. He described what happened at Mountain home.

He said that he examined the defendant at Mountain Home. He also observed Miss Spaulding. He said that Miss Spaulding could have been on some kind of drugs, as there was an extreme emotional change.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 2701

vs.

THOMAS EUGENE CREECH Defendant | Oct. 3, 1975 Date

(CONTINUED)

He said that Mr. Creech and Miss Spaulding were separated at Mountain Home. He said that there had been a written report of that contact with defendant, he had written the report the following day from his notes. He told that the car of Mr. Rivers had been searched made by Mr. Maxwell. He said that they had found approximately 11 rolled marijuana cigareest in a metal box, some white tablests, but they were not a controlled substance, in the trunk of the car were two yellow envelopes containing rolled marijuana cigarettes., a pipe marijuana medical books, some LSD. He said that he did question Mr. Rivers one time, but never saw him again.

Mr. Remaklus re-direct examined Mr. Freeman regarding the stories that defendant Creech and Spaulding told? Mr. Freeman said that defendant said he left Spokane, Wn after seeing the fair, on Monday and hitch hiked to Boise via western Ore., getting 1 ride. Miss Spaulding said that they had three rides and stopped at Lewiston on the way to Boise, from there on the only town she remembered going through was Grangeville.

Mr. Freeman was excused.

The court told Mr. Freeman that both counsels wanted copies of the report.

Martin J. Maxwell, Valley County, was called, sworn and direct examined by Mr. Thomas P gave qualifications and schooling. He said that he was present during the statment that defendant gave in Mountain Home on Nov. 8, 1974. He observed defendant, he was nervous but normal. His speech was clear but sometimes he spoke very low. During their conversation they gave him a cigarette and he calmed down. He answered all questions without hesitation. He said that he has observed people under the influence of drugs and people on LSD and the defendant did not appear to be under the influence of drugs to him. He said that he was with officers when defendant was transported from Mountain Home to Cascade, Valley County, He said that the defendant rode between him and Bud Mason in the back seat of the car. There was very little conversation with the defendant on that ride. Defendant conversed with Miss Spaulding, who was sitting in the front seat. Defendant did call attention to the spot where victims car was found. There was nothing unusual in conversation, just casual conversation. He said that the defendant did ask him to watch for someone in a black vehicle who might cause him trouble, that about 16 miles south of Cascae a vehicle passed them and it back fired and the defendant became upset.

Mr. Robinson cross examined Mr. Maxwell. He said that he was not in the room during all the statement of defendant. He saw him at the Police Station. He also went with Carol Spaulding for arraignment, he was with defendant on the ride back to Cascade Co.. He related the happenings of trip back to Cascade. He said that he observed that the defendant was nervous, but calmed down after he was given a cigarette. Defendant was not on any medication that he knew of. He said that he saw the voluntary statment made by defendant before he left for Cascade.

Court r cessed 2:30 p.m.

Approved:

J. [illegible] District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant | Oct. 3, 1975 (Date)

(CONTINUED)

Court reconvened 2:45 p.m.

Mr. Robinson continued to cross examine Mr. Maxwell, he asked if he ever noticed the defendant freaking out?

He said that he did not.

Mr. Thomas re-direct examined Mr. Maxwell, he asked when he first heard the name of Rick mentioned? He said that this was on the ride to Boise, Idaho. He said that Rick and Jim was arrested Nov. 24, 1974. He said that the defendant asked for help during present at Mountain Home, but he assumed help was for the situation he was in, not drugs.

Witness excused.

Wesley L. Woodall, Post Falls, Ida., was called, sworn and direct examined by Mr. Remaklus. He said that he is a State of Idaho investigator on liquor laws and criminal investigations. He gave his expierence and schooling. He said that on Nov. 8, 1974 he was working out of Weiser, Ida.. went to the Mountain Home City Police Jail with officer Hill and Mr. Maxwell. He was present during the voluntary statement of defendant. He said that he gave the defendant rights in Mountain Home prior to his conversation with defendant. He said that the defendant responded "Yes" to his answswers to questions on Miranda Warning. He said that all the printing at the top of page on statement, page 1 was done by him. He began taking statment about 2 p.m.. He described the proceedure used in taking statement. He filled out the top of form and read it to defendant. He told the defendant that anytime he wanted to stop to tell him. When the defendant answered a question he wrote it down, the defendant talked faster than he could get it down so left some blanks. Mr. Hill was there at all times and Mr. Maxwell came in but left durig session. It took about 2 hours for statment. During the statment he observed the defendants conduct. he was excited and upset, but speech was clear and his recollection unbelievably good, his appearance was basically same as now, his eyes were blood shot, he was tanner and heave a little heavier. The signature at the bottom of each page was offered by defendant and the initials TEC by each correction or when ommission made. The defendant read the statment and when any change was made he asked for it and then he would initial it, all the pages were checked with the defendant and the defendant then signed all the pages. He said that the signature were witnessed by himself and Mr. Hill, who was present all the time. After the statment he drove the car that transported defendant from Mountain Home to Cascade. His last contact with defendant was Nov. 8, 1974.

Mr. Robinson cross examined Mr. Woodall. He said that the statement was not taped. He said that defendant was visably shaken when he related killing tow men, he was almost in tears. Statement was reduced to written form. Most of the statement judt came from defendant, without questions. He said that first defendant identified himself as Joe Adams, then Tom Tunner then gave his true name as Thomas Eugene Creech.

He told about defendant telling about Wayne having knife. That when Carol got out of car he shot the driver one time, the man in the back seat had knife so he shot him three times in the face.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant

Docket No. 9701

Oct. 3, 1975 Date

(CONTINUED)

Mr. Woodall answered that he had read the reports of other officers, and he felt that the reports were accurate. He was asked if he knew of anything regarding the defendant going into convulsions or freaking out? He said that he did not. Mr. Woodall said that he did ask for a doctor when in the Valley County Jail, he wanted medication, but that he did not feel that it was something to do with any drug problem ir withdrawal or anything that needed immediate treatment. It did not appear to him that the defendant was on any drugs, he was nervous but this was natural.

Mr. Remaklus asked if after the statement was taken and wrote down, if they went through it with defendant and corrected it and if defendant initialed each correction or ommission? Mr. Woodall answered that they had done this.

Mr. Remaklus asked for a continuance in order that he can get more testimony to meet evidence given here, as he had no affidavit to prepare for this.

Court recessed 3:30 p.m.

Court reconvened 3:45 p.m.

Mr. Remaklus stated that there was nothing elde to come before the court on the part of the State at this time.

The court asked if there was any rebuttal by defendant?

Mr. Robinson moved for the admission of Defendants Exhibits A and B.

Court admitted Defendants Exhibits A and B.

Defendants Exhibit C (photo copy of Hill report) marked, offered and admitted.

Defendants Exhibit D (Report of Jack Freeman) marked,offered and admitted.

Mr. Robinson said that the defendant rests.

Mr. Robinson made closing argument to the court.

Mr. Remaklus made closing argument to the court

The court made a statement, he said that he finds that the defendant was capable of giving the voluntary statement on Nov. 8, 1974. This statement was made after the defendant was given his rights. That the defendant understood the miranda warnings given to him. That the waiver to the rights was knowing and intelligently and voluntary. That the statement was knowingly and intelligentley and voluntarily given without threat or promise and is not subject ot exclusion on the groun of involuntariness. That at the time of trial, if statement is offered the court will rule at that time if it is admissable or not.

Mr. Robin son said that he finds that Dr. A. Peterson, County Doctor for Shoshone Co. has changed perscriptions made by Dr. Heyrend. He said that the defendant is complaining of head aches. He related the pills that defendant is to have. He finds that during the time in Shoshone Co. that he had to be taken to hospital for emergency treatment for self inflicted head injuries. Defendant also has ulcers. He asks that the court order a more through check on defendant, and see that defendant is given perscriptions ordered by Dr. Heyrends.

Also moves that the defendant be given pen,pencil, paper in conference room, he has been advised that these would be supplied.

Mr. Robinson inquired in discovery regarding polygraph sessions.

Approved

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant | Oct. 3, 1975 Date

(CONTINUED)

He asked if a copy of this tape should be given to the State?

Mr. Thomas made statement to the court, as to the medication given defendant, there should be some showing, and there is nothing before the court at this time.

Regarding the polygraph tests, the Order was related to all tests, so the State should have a copy of tape when it is reduced to written report.

He said that the psychiatric report of Dr. Heyrends of Sept 22nd is not completed, but when available a copy will be supplied to defendant.

He said that there was no objections by the State as to the defendant having pen or pencil, that this is covered in an Order, there is to be nothing to be used as a weapon.

Mr. Robinson made statement regarding medication, he said that he knows nothing about prescriptions or drugs or physical condition of the defendant, this is left to the doctors, he is not asking the court to change the perscriptions, just to rule that these drugs be supplied to the defendant at the time they have been ordered to be given. He said that he did not feel that substitutions should be made by Dr. Peterson from those ordered by Dr. Heyrends, as problems have arisen.

The court questioned Mr. Magnuson regarding the medical problems.

He said that he is aware that the Sheriff did not want any writing material in sucerity block but defendant can have these in the recreation room.

The court said that he is concerned with the full opportunity for defendant to consult with counsel during trial.

Mr. Magnuson said that the interview rooms the best place.

The court said that no pen or pencil will be allowed in cell area.

That regarding the medication he asks the sheriff NOT take defendants word on medication. He wants something filed to protest the Sheriff and Dr. Peterson in this matter. If Dr. Heyrends wants to sign statment he can be responsible for medicatin given defendant here.

Mr. Magnuson said that Dr. Gnaedinger was also involved in this.

Mr. Robinson said the perscription are in this county jail, that were ordered, and he would just like them given to defendant as ordered.

The court wants Dr. Heyrends perscriptions to be given to defendant as per instructions from Dr. Heyrends to the Sheriff.

Mr. Robinson said that he had total confidence in Dr. Heyrends perscriptions for defendant.

Mr. Magnuson said that he would check with the Sheriff and see that he has the perscriptions and instructions from Dr. Heyrends.

Mr. Remaklus said that the Discrovery Order for State on Sept 8, 1975, this was supposed to cover the plygraph tests.

Mr. Robsinson said he had no objections to this.

The court advised that the Sheriff is not obligded to give the defendant any medication witnout perscription.

Mr. Robinson asked that the Doctor Peterson or Gnaedinger be called for any medical reports.

The court said that this matter will be recessed until 11:00 a.m. October 4, 1975.

Approved

J. Ray Burtenshaw
District Judge

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of September, 1975, I mailed a true and correct copy of the foregoing State's Sixth Response to Discovery Order to Mr. Bruce O. Robinson, Attorney for the Defendant, with postage prepaid thereon to the following addresses:

Mr. Bruce Robinson
P. O. Box 8,
Nampa, Idaho

Mr. Bruce Robinson
c/o Mr. Dennis Wheeler
P. O. Box 289
Wallace, Idaho 83873

Robert H. Remaklus
Prosecuting Attorney
Valley County, Idaho

STATE OF IDAHO ... SS
I hereby ... a true copy of
the ... of record in this court
5/14/76
mary a Hall ... Clerk

ROBERT H. REMAKLUS
Prosecuting Attorney
Valley County
P. O. Box 759
Cascade, Idaho 83611
Telephone: (208) 382-4270

LYNN E. THOMAS
Deputy Attorney General
State of Idaho
Special Assistant Prosecutor
Statehouse, Boise, Idaho 83720
Telephone: 384-2400

ATTORNEYS FOR PLAINTIFF

Oct 15 2 00 PM '75

BY Margaret Finley DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant.	Case No. 2165 REQUEST FOR ORDER TO ANSWER

Comes now ROBERT H. REMAKLUS, Prosecuting Attorney of Valley County, Idaho under and by virtue of the provisions of Section 19-1115 Idaho Code and requests the District Court of the Fourth Judicial District of the State of Idaho in and for the County of Valley now sitting in the First Judicial District of the State of Idaho at Wallace, Idaho to order Carol Spaulding to answer any and all questions concerning her whereabouts, statements, activities, and companions or any other questions that may be propounded to her in the trial of the above-entitled cause covering the period of time from November 3, 1974 through the trial of this action.

DATED this 15th day of October, 1975.

ROBERT H. REMAKLUS
Prosecuting Attorney
Valley County, Idaho

I hereby certify that the foregoing is a true copy of the original record in this court.
Dated 5/14/76
Mary A Hull Clerk

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

STATE OF IDAHO }
COUNTY OF SHOSHONE } ss
FILED

Oct 16 2 48 PM '75

CLERK DISTRICT COURT
BY Margaret Lansley
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

- - - - -

STATE OF IDAHO,]
Plaintiff,] No._____
vs.] PETITION TO COMPEL ATTENDANCE
THOMAS EUGENE CREECH,] OF OUT OF STATE WITNESS
Defendant.]

- - - - -

COMES NOW Robert H. Remaklus, Prosecuting Attorney of Valley County, Idaho, and does hereby petition the above-entitled Court as follows:

1. That trial of the above-entitled matter, being a criminal prosecution upon two counts of murder in the first degree, is now underway and trial proceedings commenced Monday, October 6, 1975, at ten o'clock A.M.

2. That Dan Carrey is a material witness for the State of Idaho in said cause and resides at_____, Omak, Washington, a State wherein provision is made by law to command persons to attend and testify in criminal prosecutions.

WHEREFORE, it is requested that a Certificate be issued affirming the necessity of said person as a witness and authorizing that he be directed by a Judge of Court of record in the State of Washington, County of Okanogan, to appear and attend such trial for a period of not less than two (2) days.

DATED this 16th day of October, 1975.

STATE OF IDAHO, County of Valley, ss.
I, _____, Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Valley, do hereby certify that the above and foregoing is a true copy of the original thereof as the same appears of record in this court.
Witness my hand and seal this 16th day of Oct, 1975.
Mary A. Lee
Clerk

Robert H. Remaklus
Prosecuting Attorney
Valley County, Idaho

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

STATE OF IDAHO } ss
COUNTY OF VALLEY

OCT 16 2 43 PM '75

BY Margaret Lindley
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

- - - - -

STATE OF IDAHO,]
Plaintiff,] No._____
vs.] CERTIFICATE UNDER UNIFORM ACT TO SECURE ATTENDANCE OF WITNESS
THOMAS EUGENE CREECH,] (Idaho Code Section 19-3005)
Defendant.]

- - - - -

Petition having been filed herein by Robert H. Remaklus, Prosecuting Attorney for Valley County, State of Idaho, pursuant to Idaho Code Section 19-3005, that one Dan Carrey be directed and authorized to appear and attend the trial in the above-entitled matter, which commenced October 6, 1975, and it appearing that said witness is material and necessary to the prosecution;

It is hereby certified that Dan Carrey be directed by Judge of a Court of record of Okanogan County, State of Washington, to appear and attend the trial in the above-entitled matter, in which trial testimony commenced at ten o'clock A.M. on October 6, 1975, and that said witness shall be required to attend such trial for a period of not less than two (2) days and for such other time as the presence of such witness shall be required.

IT IS FURTHER ORDERED that said witness will be tendered mileage and daily allowance provided by law and statutes of the State of Idaho.

ENTERED This 16th day of October, 1975.

DISTRICT JUDGE

STATE OF IDAHO, U.S.
County of Valley, ss. I hereby certify the foregoing is a true copy of this document on file of record in this court.
Date: 5/11/76
Mary A. Hall Clerk

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

STATE OF IDAHO } ss
COUNTY OF VALLEY }

OCT 16 2 49 PM '75

CLERK DISTRICT COURT
BY Mary A Lee
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

- - - - -

STATE OF IDAHO,]
Plaintiff,] No.
vs.] PETITION TO ADVANCE FEES
THOMAS EUGENE CREECH,] (DAN CARREY)
Defendant.]

- - - - -

Robert H. Remaklus, Prosecuting Attorney of Valley County, Idaho, request the above-entitled Court to direct the Valley County Clerk to advance $50.00 as mileage fees, together with attendance fees in the sum of $16.00, for Dan Carrey, out of State witness required to testify in the trial of the above cause; said witness resides at _____ Omak, Washington, and the law provides for $.25 cents per mile: and said witness will be required for two (2) days and the law provides for attendance fees at the rate of $8.00 per day.

DATED this 16th day of October, 1975.

Robert H. Remaklus
Prosecuting Attorney
Valley County, Idaho

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Date 5/24/76
Mary A Lee Clerk

ORDER

Upon the above Petition and good cause appearing,

IT IS ORDERED That the Clerk of the Valley County Court shall advance the sum of $ 86.00 to Dan Carrey, to be forthwith delivered as advance witness fees and mileage, to secure the attendance of said person as a witness in the above-entitled action from _____ Omak, Washington.

DATED this 16th day of October, 1975.

DISTRICT JUDGE

State of [illegible] County ss.
I [illegible] hereby certify that the foregoing is a true copy of the [illegible] as the same appears of record in this court.
Dated 5/14/76
Mary A Lee Clerk

STATE OF IDAHO
COUNTY OF SHOSHONE } ss
FILED:

OCT 22 11 09 AM '75

CLERK DISTRICT COURT
BY Margaret Findley
DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

- - -

THE STATE OF IDAHO,)
Plaintiff,) No. 9701
v.) ORDER
THOMAS EUGENE CREECH,)
Defendant.)

- - -

Upon motion made by defense counsel and specifically consented to by the defendant himself, and no objection by the State, the court hereby orders further proceedings in this matter be held in Boise, Idaho and the next date set for hearing and sentencing to be November 3, 1975.

IT IS FURTHER ORDERED that the defendant, Thomas Eugene Creech, be transported to the Ada County Jail, Boise, Idaho by the Sheriff of Valley County and held in custody there by Sheriff E. C. Palmer, Ada County.

IT IS FURTHER ORDERED that upon delivery of the defendant to Sheriff Darrell Lynsky of Valley County, the Sheriff of Shoshone County, Idaho, Lewis Gardner, is released from further responsibility for the care and custody of said defendant.

Dated at Wallace, Idaho this 22nd day of October, 1975.

J. Ray Smith
District Judge

ORDER

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of
the original on file and of record in this court.
Date: 5/14/76
Mary A Lee Clerk

ROBERT H. REMAKLUS
Prosecuting Attorney Valley County,
P. O. Box 759
Cascade, Idaho 83611
Telephone No. (208) 382-4270

LYNN THOMAS
Deputy Attorney General
State House
Boise, Idaho

ATTORNEYS FOR PLAINTIFF

STATE OF IDAHO
COUNTY OF SHOSHONE } ss

Oct 22 11 23 AM '75

DISTRICT COURT
BY Ruth Hanley
DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

- - - - -

STATE OF IDAHO,]
Plaintiff,] No. 9701
vs.] O R D E R
THOMAS EUGENE CREECH,]
Defendant.]

- - - - -

IT IS HEREBY ORDERED That DEROLD LYNSKEY, Sheriff of Valley County, Idaho be and he is hereby appointed custodian of all exhibits in this case and he is hereby instructed to transport the same to the Valley County Courthouse, Cascade, Idaho and hold said exhibits in his custody until further order of this Court.

DATED this 22nd day of October, 1975.

DISTRICT JUDGE

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated 10/22/75
Mary A Hill Clerk

STATE OF IDAHO }
COUNTY OF SHOSHONE } ss

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

OCT 27 10 52 AM '75

COUNTY
BY Margaret Lacey
DEPUTY

THE STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant.	Case No. 9701

JURY INSTRUCTIONS:

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of
the original on file and of record in this court.
Dated 5/14/76
Mary A Lee
Clerk

Ladies and Gentlemen of the Jury:

It becomes my duty as Judge to instruct you concerning the law applicable to this case. It will be your duty as jurors to follow the law as I shall submit it to you.

The function of the jury is to determine the issues of fact that are presented by the allegations in the information filed in this court and the defendant's plea of "not guilty." This duty you should perform uninfluenced by pity for a defendant or by passion or prejudice against him. You must not suffer yourselves to be biased against a defendant because of the fact that he has been arrested for this offense, or because he has been brought before the Court to stand trial. None of these facts is evidence of his guilt, and you are not permitted to infer or to speculate from any or all of them that he is more likely to be guilty than innocent.

Therefore, in determining the guilt or innocence of the defendant you are to be governed solely by the evidence introduced in this trial and the law as stated to you by the Court. For such purpose the law forbids you to be governed by mere sentiment, conjecture, sympathy, passion, prejudice, public opinion or public feeling. Both the [redacted] and the defendant have a right to demand, and they do demand and expect, that you will conscientiously and dispassionately consider and weigh the evidence and apply the law of the case, and that you will reach a just verdict regardless of what the consequences of such verdict may be. Such verdict must express the individual opinion of each juror.

INSTRUCTION NO. 2

The masculine form used in these instructions applies equally to a female person, [redacted]

NO. 2

If in these instructions any rule, direction or idea be stated in varying ways, no emphasis thereon is intended by me and none must be inferred by you. For that reason, you are not to single out any certain sentence, or any individual point or instruction, and ignore the others, but you are to consider all the instructions as a whole, and are to regard each in the light of all the others.

The order in which the instructions are given has no significance as to their relative importance.

NO. 4

I have not intended by anything I have said or done or by any questions that I may have asked to intimate or suggest what you should find to be the facts, or that I believe or disbelieve any witness who may have testified, and if anything that I have done or said has seemed to so indicate, you will disregard that intimation and form your own opinion without regard thereto.

NO. 5

You are the exclusive judge of the facts and of the effect and value of the evidence, but you must determine the facts from the evidence received here in court.

You must not consider as evidence any statement of counsel made during the trial; however, if counsel for the parties have stipulated to any fact, you will regard that fact as being conclusively proved.

As to any question to which an objection was sustained, you must not speculate as to what the answer might have been or as to the reason for the objection.

You must not consider for any purpose any offer of evidence that was rejected, nor any evidence that was stricken out by the Court; such matter is to be treated as though you had never heard it.

You must never speculate to be true any insinuation suggested by a question asked a witness. A question is not evidence and may be considered only as it supplies meaning to the answer.

NO. 6

The testimony of a witness, a writing, a material object, or anything presented to the senses offered to prove the existence or non-existence of a fact is either direct or circumstantial evidence.

Direct evidence means evidence that directly proves a fact, without an inference, and which in itself, if true, conclusively establishes that fact.

Circumstantial evidence means evidence that proves a fact from which an inference of the existence of another fact may be drawn.

An inference is a deduction of fact that may logically and reasonably be drawn from another fact or group of facts established by the evidence.

It is not necessary that facts be proved by direct evidence. They may be proved also by circumstantial evidence. There is no distinction between direct evidence and circumstantial evidence as a means of proof. Neither is entitled to any greater weight than the other.

INSTRUCTION NO. 7

Certain evidence was admitted for a limited purpose.

At the time this evidence was admitted you were admonished that it could not be considered by you for any purpose other than the limited purpose for which it was admitted.

You are again instructed that you must not consider such evidence for any purpose except the limited purpose for which it was admitted.

INSTRUCTION NO. 8

Every person who testifies under oath is a witness. You are the sole and exclusive judges of the credibility of the witnesses who have testified in this case.

In determining the credibility of a witness you may consider any matter that has a tendency in reason to prove or disprove the truthfulness of his testimony, including but not limited to the following:

1. His demeanor while testifying and the manner in which he testifies;

2. The character of his testimony;

3. The extent of his capacity to perceive, to recollect, or to communicate any matter about which he testifies;

4. The extent of his opportunity to perceive any matter about which he testifies;

5. The existence or nonexistence of a bias, interest, or other motive;

6. The existence or nonexistence of any fact testified to by him.

NO. 9

A person is qualified to testify as an expert if he has special knowledge, skill, experience, training, or education sufficient to qualify him as an expert on the subject to which his testimony relates.

Duly qualified experts may give their opinions on questions in controversy at a trial. To assist you in deciding such questions, you may consider the opinion with the reasons given for it, if any, by the expert who gives the opinion. You may also consider the qualifications and credibility of the expert.

You are not bound to accept an expert opinion as conclusive, but should give to it the weight to which you find it to be entitled. You may disregard any such opinion if you find it to be unreasonable.

INSTRUCTION NO. 10

When a witness refuses to testify as to any matter, basing his refusal on the constitutional privilege against self-incrimination, you are not to draw from that fact any inference as to the credibility of the witness or as to the guilt or innocence of the defendant.

INSTRUCTION NO. 11

Evidence that on some former occasion, a witness who is not a party to this action made a statement or statements that were inconsistent with his testimony in this trial, may be considered by you only for the limited purpose of testing the credibility of the witness. Testimony of such inconsistent statements must not be considered by you as evidence of the truth of the facts as stated by the witness on such former occasion.

INSTRUCTION NO. 12

A witness wilfully false in one material part of his testimony is to be distrusted in others. You may reject the whole testimony of a witness who wilfully has testified falsely as to a material point, unless, from all the evidence, you shall believe the probability of truth favors his testimony in other particulars.

However, discrepancies in a witness' testimony or between his testimony and that of others, if there were any, do not necessarily mean that the witness should be discredited. Failure of recollection is a common experience; and innocent misrecollection is not uncommon. It is a fact, also, that two persons witnessing an incident or a transaction often will see or hear it differently. Whether a discrepancy pertains to a fact of importance or only to a trivial detail should be considered in weighing its significance.

INSTRUCTION NO. 13

The fact that a witness has been convicted of a felony, if such be a fact, may be considered by you only for the purpose of determining the credibility of that witness. The fact of such a conviction does not necessarily destroy or impair the witness's credibility. It is one of the circumstances that you may take into consideration in weighing the testimony of such a witness.

INSTRUCTION NO. 14

A statement made by a defendant other than at his trial may be either an admission or a confession.

An admission is a statement by a defendant, which by itself is not sufficient to warrant an inference of guilt, but which tends to prove guilt when considered with the rest of the evidence.

A confession is a statement by a defendant which discloses his intentional participation in the criminal act for which he is on trial and which discloses his guilt of that crime.

You are the exclusive judges as to whether an admission or a confession was made by the defendant and if the statement is true in whole or in part. If you should find that such statement is entirely untrue, you must reject it. If you find it is true in part, you may consider that part which you find to be true.

Evidence of an oral admission or an oral confession of the defendant ought to be viewed with caution.

INSTRUCTION NO. 15

In regard to the preceding instruction you are reminded that Exhibit No. 49, as I told you at the time the Exhibit was admitted, may be considered by you only for the limited purpose of testing the credibility of the defendant as a witness when he testified on the witness stand during the trial. This exhibit was not admitted as an admission or confession and must not be considered by you as evidence of the truth of the facts as stated therein or as proof of the defendant's guilt.

INSTRUCTION NO. 16

No person may be convicted of a criminal offense unless there is some proof of each element of the crime independent of any confession or admission made by him outside of this trial.

The identity of the person who is alleged to have committed a crime is not an element of the crime nor is the degree of the crime. Such identity or degree of the crime may be established by an admission or confession.

INSTRUCTION NO. 17

A conviction may not be had upon the testimony of an accomplice unless it be corroborated by such other evidence as shall tend to connect the defendant with the commission of the offense.

INSTRUCTION NO. 18

An accomplice is one who is liable to be prosecuted for the identical offense charged against the defendant on trial.

To be an accomplice, the person must have knowingly and with criminal intent aided, promoted, encouraged, or instigated by act or advice, or by act and advice, the commission of such offense.

INSTRUCTION NO. 19

Merely assenting to or aiding or assisting in the commission of a crime without guilty knowledge or intent is not criminal, and a person so assenting to, or aiding, or assisting in, the commission of a crime without guilty knowledge or intent in respect thereto, is not an accomplice in the commission of such crime.

INSTRUCTION NO. 20

Corroborative evidence is evidence of some act or fact related to the offense which, if believed, by itself and without any aid, interpretation or direction from the testimony of the accomplice, tends to connect the defendant with the commission of the offense charged.

However, it is not necessary that the corroborative evidence be sufficient in itself to establish every element of the offense charged, or that it corroborate every fact to which the accomplice testifies.

In determining whether an accomplice has been corroborated, you must first assume the testimony of the accomplice has been removed from the case. You must then determine whether there is any remaining evidence which tends to connect the defendant with the commission of the offense.

If there is not such independent evidence which tends to connect defendant with the commission of the offense, the testimony of the accomplice is not corroborated.

If there is such independent evidence which you believe, then the testimony of the accomplice is corroborated. But before you may convict the defendant you must find from all the evidence that it carries the convincing force required by law.

INSTRUCTION NO. 21

It is the law that the testimony of an accomplice ought to be viewed with distrust. This does not mean that you may arbitrarily disregard such testimony, but you should give to it the weight to which you find it to be entitled after examining it with care and caution and in the light of all the evidence in the case.

INSTRUCTION NO. 22

Evidence has been received tending to show that the defendant may have committed crimes other than that for which he is on trial.

Such evidence was not received and may not be considered by you to prove that he is a person of bad character or that he has a disposition to commit crimes.

Such evidence was received and may be considered by you only for the limited purpose of determining if it tends to show:

1. The mental state of the defendant at the time of the alleged offense for which he is on trial and at the time of his arrest for that offense.

2. The identity of the person who committed the crime, if any, of which the defendant is accused;

3. The existence of the intent which is a necessary element of the crime charged.

4. That the defendant had knowledge or possessed the means that might have been useful or necessary for the commission of the crime charged.

For the limited purpose for which you may consider such evidence, you must weigh it in the same manner as you do all other evidence in the case.

You are not permitted to consider such evidence for any other purpose.

NO. 23

Where the case of the State rests substantially or entirely on circumstantial evidence, you are not permitted to find the defendant guilty of the crime charged against him unless the proved circumstances are not only consistent with the theory that the defendant is guilty of the crime, but cannot be reconciled with any other rational conclusion and each fact which is essential to complete a set of circumstances necessary to establish the defendant's guilt has been proved beyond a reasonable doubt.

Also, if the evidence is susceptible of two reasonable interpretations, one of which points to the defendant's guilt and the other to his innocence, it is your duty to adopt that interpretation which points to the defendant's innocence, and reject the other which points to his guilt. If, on the other hand, one interpretation of the evidence appears to you to be reasonable and the other interpretation to be unreasonable, it would be your duty to accept the reasonable interpretation and to reject the unreasonable.

INSTRUCTION NO. 24

The defendant, Thomas Eugene Creech, is here upon trial on an Information filed in this Court by the Prosecuting Attorney of Valley County, Idaho, charging the defendant with the crime of Murder in the First Degree.

The charging part of said Information reads as follows:

COUNT I

"That the said defendant, Thomas Eugene Creech, on or about the 4th day of November, 1974, at and in the County of Valley, State of Idaho, then and there being, did then and there knowingly, wilfully, unlawfully, intentionally, feloniously and deliberately with premeditation and malice aforethought and the intent then and there had to kill and murder one Edward Thomas Arnold with a certain High Standard 22 Caliber Automatic pistol bearing Serial No. 366934, then and there held in his, the said defendant's hand, and then and there loaded, did then and there wilfully, unlawfully, knowingly, intentionally, feloniously and of his own deliberate and premeditated malice aforethought with intent to kill and murder the said Edward Thomas Arnold, a human being, as aforesaid, aim, shoot, and discharge the said loaded pistol so that the said Edward Thomas Arnold was struck in the head by the bullet from the said pistol shot and discharged at him by said Thomas Eugene Creech, mortally wounding said Edward Thomas Arnold from which mortal wound he sickened and died at Valley County, Idaho, on the 4th day of November, 1974."

COUNT II

"That the said defendant, Thomas Eugene Creech, on or about the 4th day of November, 1974, at and in the County of Valley, State of Idaho, then and there being did then and there knowingly, wilfully, unlawfully, intentionally, feloniously and deliberately with premeditation and malice aforethought and the intent then and there had to kill and murder one John Wayne Bradford with a certain High Standard 22 Caliber Automatic pistol bearing Serial No. 366934, then and there held in his, the said defendant's hand, and then and there loaded, did then and there wilfully, unlawfully, knowingly, intentionally, feloniously and of his own deliberate and premeditated malice aforethought with intent to kill and murder the said

John Wayne Bradford, a human being, as aforesaid, aim, shoot and discharge the said loaded pistol so that the said John Wayne Bradford was struck in the head by three bullets from the said pistol shot and discharged at him by said Thomas Eugene Creech, mortally wounding said John Wayne Bradford, from which mortal wound he sickened and died at Valley County, Idaho, on the 4th day of November, 1974.

"All of which is contrary to the form of the statute in such case made and provided and against the peace and dignity of the State of Idaho."

The defendant has heretofore entered a plea of "not guilty" to the chargeset forth in the Information.

INSTRUCTION NO. 25

Each count charges a separate and distinct offense. You must decide each count separately on the evidence and the law applicable to it, uninfluenced by your decision as to any other count. The defendant may be convicted or acquitted on any or all of the offenses charged. Your finding as to each count must be stated in a separate verdict.

NO. 26

A defendant in a criminal action is presumed to be innocent until the contrary is proved, and in case of a reasonable doubt whether his guilt is satisfactorily shown, he is entitled to an acquittal, but the effect of this presumption is only to place upon the State the burden of proving him guilty beyond a reasonable doubt. Reasonable doubt is defined as follows: It is not a mere possible doubt; because everything relating to human affairs, and depending on moral evidence, is open to some possible or imaginary doubt. It is that state of the case which, after the entire comparison and consideration of all the evidence, leaves the minds of the jurors in that condition that they cannot say they feel an abiding conviction, to a moral certainty, of the truth of the charge.

NO. 27.

Before you may convict the defendant of the crime charged against him by the Information, you should require the prosecution to prove every material allegation contained in the Information beyond a reasonable doubt; and if, after a consideration of all the evidence in the case, you entertain a reasonable doubt of the truth of any of these material allegations, then it is your duty to give the defendant the benefit of such doubt and acquit him.

Probabilities, or that the greater weight or preponderance of the evidence supports the allegations of the Information, will not support a conviction.

INSTRUCTION NO. 28

If you are not satisfied beyond a reasonable doubt that the defendant is guilty of the offense charged, he may, however, be found guilty of any lesser offense, the commission of which is necessarily included in the offense charged, if the evidence is sufficient to establish his guilt of such lesser offense beyond a reasonable doubt.

The offense of Murder in the First Degree with which the defendant is charged necessarily includes the lesser offenses of Murder in the Second Degree and Voluntary Manslaughter.

INSTRUCTION NO. 29

Murder is the unlawful killing of a human being with malice aforethought.

Such malice may be express or implied. It is express when there is manifested a deliberate intention unlawfully to kill a human being. It is implied when no considerable provocation appears, or when the circumstances attending the killing show an abandoned and malignant heart. An abandoned and malignant heart is a condition of heart and mind having no regard for social and moral obligations. Malice is implied when the killing results from an act involving a high degree of probability that it will result in death, which act is done for a base, anti-social purpose and with a wanton disregard for human life.

Malice aforethought does not necessarily imply a pre-existing hatred or enmity toward the person killed.

"Aforethought" does not imply deliberation or the lapse of considerable time. It only means that the required mental state must precede rather than follow the act.

INSTRUCTION NO. 30

All murder which is perpetrated by any kind of wilful deliberate and premeditated killing with malice aforethought is murder of the first degree.

The word "deliberate" means formed or arrived at or determined upon as a result of careful thought and weighing of considerations for and against the proposed course of action. The word "premeditated" means thought over beforehand.

If you find that the killing was preceded and accompanied by a clear, deliberate intent on the part of the defendant to kill, which was the result of deliberation and premeditation, so that it must have been formed upon pre-existing reflection and not under a sudden heat of passion or other condition, precluding the idea of deliberation, it is murder of the first degree.

The law does not undertake to measure in units of time the length of the period during which the thought must be pondered before it can ripen into an intent to kill which is truly deliberate and premeditated. The time will vary with different individuals and under varying circumstances. The true test is not the duration of time, but rather the extent of the reflection. A cold, calculated judgment and decision may be arrived at in a short period of time, but a mere unconsidered and rash impulse, even though it includes an intent to kill, is not such deliberation and premeditation as will fix an unlawful killing as murder of the first degree.

To constitute a deliberate and premeditated killing, the slayer must weigh and consider the question of killing and the reasons for and against such a choice and, having in mind the consequences, decide to and commit the unlawful act causing death.

INSTRUCTION NO. 31

Murder of the second degree is the unlawful killing of a human being with malice aforethought when there is manifested an intention unlawfully to kill a human being but the evidence is insufficient to establish deliberation and premeditation.

INSTRUCTION NO. 32

Murder of the second degree is also the unlawful killing of a human being as the direct causal result of an act involving a high degree of probability that it will result in death, which act is done for a base, antisocial purpose and with wanton disregard for human life.

When the killing is the direct result of such an act, it is not necessary to establish that the defendant intended that his act would result in the death of a human being.

INSTRUCTION NO. 33

Voluntary manslaughter is the intentional and unlawful killing of a human being without malice aforethought.

There is no malice aforethought if the killing occurred upon a sudden quarrel or heat of passion.

INSTRUCTION NO. 34

The distinction between murder and manslaughter is that murder requires malice while manslaughter does not.

When the act causing the death, though unlawful, is done in the heat of passion or is excited by a sudden quarrel such as amounts to adequate provocation, the offense is manslaughter. In such a case, even if an intent to kill exists, the law is that malice, which is an essential element of murder, is absent.

INSTRUCTION NO. 35

To reduce an intentional felonious homicide from the offense of murder to manslaughter upon the ground of sudden quarrel or heat of passion, the provocation must be of such character and degree as naturally would excite and arouse such passion, and the assailant must act under the smart of that sudden quarrel or heat of passion.

"Heat of passion", as the term is used in our law, means such passion as naturally would be aroused in the mind of an ordinarily reasonable person of average disposition in the same or similar circumstances as those in question, and such as would cause him to act rashly, without reflection and deliberation, and from passion rather than from judgment. Hence the defendant may not set up his own standard of conduct and be permitted to justify or excuse himself merely because his passions were aroused. To apply the proper standard by which to judge the conduct of the defendant, you will ask and answer whether or not the ordinarily reasonable person, if placed in the same position in which the defendant found himself and if knowing what the defendant then knew, would have been thrown into a heat of passion.

If there was provocation, but of a nature not calculated to naturally arouse passion, or if sufficient time lapsed between the provocation and the fatal blow for passion to subside and reason to return, and if an unlawful killing of a human being followed such provocation, and had all the

elements of murder, as I have defined it, the mere fact of slight or remote provocation will not reduce the offense to manslaughter.

INSTRUCTION NO. 36

Neither the emotion of fear, of itself, nor the emotion for revenge, of itself, nor any or all of these emotional states, in and of themselves, constitute the heat of passion referred to in the law of manslaughter which I have stated to you. Any or all of such specific emotions may be involved in a heat of passion that causes judgment to give way to impulse and rashness, but also any one or more of them may exist in the mind of a person who acts deliberately and from choice following his own reasoning howsoever good or bad it may be. Hence the law sets up the standard and requires the test that I previously have stated to you for determining whether or not the defendant acted under heat of passion.

INSTRUCTION NO. 37

To reduce a killing upon a sudden quarrel or heat of passion from murder to manslaughter the killing must have occurred while the slayer was acting under the direct and immediate influence of such quarrel or heat of passion. Where the influence of the sudden quarrel or heat of passion has ceased to obscure the mind of the accused and sufficient time has elapsed for angry passion to end and for reason to control his conduct, it will no longer reduce an intentional killing to manslaughter. The question as to whether the cooling period has elapsed and reason has returned is not measured by the standard of the accused, but the duration of the cooling period is the time it would take the average or ordinarily reasonable person to have cooled his heat of passion and for his reason to have returned.

INSTRUCTION NO. 38

To constitute murder or manslaughter there must be, in addition to the death of a human being, an unlawful act which was a proximate cause of that death.

The proximate cause of a death is a cause which, in natural and continuous sequence, produced the death, and without which the death would not have occurred.

INSTRUCTION NO. 39

Motive is not an element of the crime charged and need not be shown. However, you may consider motive or lack of motive as a circumstance in this case. Presence of motive may tend to establish guilt. Absence of motive may tend to establish innocence. You will therefore give its presence or absence, as the case may be, the weight to which you find it to be entitled.

INSTRUCTION NO. 40

Before you may return a verdict in this case, you must agree unanimously not only as to whether the defendant is guilty or not guilty, but also, if you should find him guilty of an unlawful killing, you must agree unanimously as to whether he is guilty of murder of the first degree or murder of the second degree or manslaughter.

INSTRUCTION NO. 41

If you are convinced beyond a reasonable doubt that the crime of murder has been committed by a defendant, but you have a reasonable doubt whether such murder was of the first or of the second degree, you must give to such defendant the benefit of that doubt and return a verdict fixing the murder as of the second degree.

INSTRUCTION NO. 42

When the evidence shows the existence of provocation that played a part in inducing the unlawful killing of a human being, but also shows that such provocation was not such as to reduce the homicide to manslaughter, and the jury finds that the killing was murder, they may consider the evidence of provocation for such bearing as it may have on the question whether the murder was of the first or second degree.

INSTRUCTION NO. 43

If you are satsified beyond a reasonable doubt that the killing was unlawful, but you have a reasonable doubt whether the crime is murder or manslaughter, you must give the defendant the benefit of such doubt and find it to be manslaughter rather than murder.

INSTRUCTION NO. 44

Upon a trial of a charge of murder, it is a defense that the killing was justifiable and not unlawful.

If you have a reasonable doubt whether the killing was unlawful you must give the defendant the benefit of such doubt and acquit him.

INSTRUCTION NO. 45

Homicide is justifiable and not unlawful when committed by a person in the lawful defense of himself or any other person, when he has reasonable ground to apprehend that he or such other person is in danger of death or great bodily injury and that there is imminent danger of such a design being accomplished.

In order to justify the taking of human life in self defense, the slayer, as a reasonable man, must have reason to believe and must believe that he or such other person is in danger of death or of great bodily injury; and further, the circumstances must be such that an ordinarily reasonable person, under similar circumstances would believe that it was necessary for him to use in his or the other person's defense and to avoid death or great bodily injury to himself or such other person, such force or means as might cause the death of his adversary.

A bare fear of death or great bodily injury is not sufficient to justify a homicide. To justify taking the life of another in self defense, the circumstances must be such as to excite the fears of a reasonable man placed in a similar position, and the party killing must act under the influence of such fears alone. The danger must be apparent and must be present and imminent, or must so appear at the time to the slayer as a reasonable man, and the killing must be done under a well founded belief that it is necessary to save one's self or another person from death or great bodily harm.

INSTRUCTION NO. 46

The defendant in this case has introduced evidence tending to show that he was not present at the time and place of the commission of the alleged offense for which he is here on trial. If, after a consideration of all the evidence, you have a reasonable doubt that the defendant was present at the time the crime was committed, he is entitled to an acquittal.

INSTRUCTION NO. 47

In this case the defendant has interposed the defense that he was suffering from a mental disease or defect as a result of which he lacked the capacity to either appreciate the wrongfulness of his conduct, or to conform his conduct to the requirements of the law. The law does not place upon a defendant the burden of proving beyond a reasonable doubt that he was not mentally responsible for his conduct at the time the act charged was committed, but only places the burden upon him to raise in your minds a reasonable doubt as to his mental responsibility. If there is in your mind a reasonable doubt as to the sanity of the defendant at the time of the commission of the act alleged in the Information then this reasonable doubt must be resolved in his favor and you must acquit him of the crime charged.

INSTRUCTION NO. 48

A person is not responsible for criminal conduct, if at the time of such conduct, as a result of mental disease or defect, he lacks substantial capacity either to appreciate the wrongfulness of his conduct, or, to conform his conduct to the requirements of the law. Such mental disease or defect defines the term insanity for purposes of criminal responsibility, and is the meaning of the term insanity as used in these instructions.

You will note that under this definition there are two types of mental disease or defect which will excuse conduct which would otherwise be criminal. The first is that at the time of the commission of the act the accused lacked substantial capacity to appreciate the wrongful nature of his conduct. The tests are: Did he have sufficient mental capacity to appreciate the character and quality of his wrongful act? Did he know and understand that it was a violation of the rights of another and in itself wrong?

The second type of insanity is a mental disease or defect of such nature that at the time of the conduct in question it prevented the defendant from conforming his conduct to the requirements of the law, even though he had substantial capacity to appreciate the wrongfulness of his conduct.

The mental disease or defect must be of a substantial nature before it will excuse one from responsibility for his conduct. Repeated criminal or antisocial conduct, standing

alone, does not establish a mental defect or disease which will excuse responsibility for wrongful conduct.

INSTRUCTION NO. 49

The law presumes every man to be sane and to possess a sufficient degree of reason to be responsible for his criminal conduct until evidence is presented sufficient to raise in the minds of the jury a reasonable doubt as to the mental responsibility of the accused.

This presumption of mental responsibility prevails only until a reasonable doubt is cast upon it, and the presumption merely relieves the prosecution from introducing proof that the defendant was free of mental disease or defect which affected his responsibility until that issue is raised by evidence creating a reasonable doubt as to the sanity of the accused.

If evidence tending to establish such mental disease or defect is presented, the ultimate burden of convincing the jury beyond a reasonable doubt that defendant was within the legal test of responsibility is on the prosecution.

INSTRUCTION NO. 50

In determining the question whether the defendant was responsible for his conduct at the time of the alleged commission of the act, the jury may consider all of his acts at the time of, before, and since the alleged commission of the act, as such acts and conduct have been shown by the evidence, and the jury has the right to consider the defendant's appearance and actions during the trial as a circumstance in determining his mental capacity at the time of the alleged commission of the act.

INSTRUCTION NO. 51

You are instructed that if you decide to acquit the defendant on the ground that because of mental disease or defect he lacked substantial capacity either to appreciate the wrongfulness of his conduct, or, to conform his conduct to the requirements of the law, your verdict must be "Not Guilty by Reason of Insanity."

INSTRUCTION NO. 52

During your examination as prospective jurors you learned that in Idaho the Legislature has provided an automatic and mandatory death penalty for First Degree Murder. You are hereby advised that the death penalty is in no way applicable to a conviction for the lesser offenses of Murder in the Second Degree or Voluntary Manslaughter.

Even though you have knowledge of the foregoing facts, you are instructed that it is not within your province to concern yourselves with the question of penalty or punishment. That feature of the case is one solely for the Legislature as to First Degree Murder and solely for the Court as to Murder in the Second Degree and Voluntary Manslaughter. Therefore, I instruct you not to concern yourselves with the question of penalty or punishment. Your duty as jurors is solely to determine the guilt or innocence of the accused and upon that question and that question alone you, as jurors, are to vote and return your verdict.

NO. 53

The Court has endeavored to give you instructions embodying all rules of law that may become necessary in guiding you to a just and lawful verdict. The applicability of some of these instructions will depend upon the conclusions you reach as to what the facts are. As to any such instructions, the fact that it has been given must not be taken as indicating an opinion of the Court that the instruction will be necessary or as to what the facts are. If an instruction applies only to a state of facts which you find does not exist, you will disregard the instruction.

INSTRUCTION NO. 54

The attitude and conduct of jurors at the beginning of their deliberations are matters of considerable importance. It is rarely productive of good for a juror at the outset to make an emphatic expression of his opinion on the case or to state how he intends to vote. When one does that at the beginning, his sense of pride may be aroused, and he may hesitate to change his position even if shown that it is wrong. Remember that you are not partisans or advocates in this matter, but are judges.

INSTRUCTION NO. 55

Both the State and the defendant are entitled to the individual opinion of each juror.

It is the duty of each of you to consider the evidence for the purpose of arriving at a verdict if you can do so. Each of you must decide the case for yourself, but should do so only after a discussion of the evidence and instructions with the other jurors.

You should not hesitate to change an opinion if you are convinced it is erroneous. However, you should not be influenced to decide any question in a particular way because a majority of the jurors or any of them, favor such a decision.

NO. 56

Upon retiring to the jury room you will select one of your number as foreman.

This being a criminal case, your verdict must be unanimous. When you arrive at a verdict, the foreman will sign it and you will return it into open court.

In arriving at your verdict you should not resort to any means or methods of chance.

Forms of verdict suitable to any conclusion you may reach will be submitted to you with these instructions.

DATED this 21st day of October, 1975.

District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

J. RAY DURTSCHI
District Judge Presiding

John Gambee
Reporter

October 6, 1975 — 9:30 a.m.
Date — Time

Fall Term 19 75

One Hundred Ninety First
Judicial Day

Wallace, Idaho
Place

Docket No. 9701

STATE OF IDAHO, Plaintiff

vs.

THOMAS EUGENE CREECH Defendant

APPEARANCES:

Robert Remaklus & Lynn E. Thomas
For Plaintiff

Bruce O. Robinson
For Defendant

Subject of Proceeding: JURY TRIAL

BE IT KNOWN, that the following proceedings were had, to-wit:

This was the time and the place set for the hearing of the above entitled matter. The State of Idaho was represented by Mr. Robert Remaklus and Lynn E. Thomas. The defendant appearing in person and with his attorney, Mr. Bruce O. Robinson.

The Clerk was instructed to call the roll call of jurors and the following person answered. Jerry R. Adams, Betty M. Barr, Doris L. Bennett, Wanda L. Bennett, Peny L. Benson, Wilford D. Bonomi, Margaret M. Brackebusch, Alvin J. Buchtel, Virginia S. Budiselic, Howard R. Byrd, Velma R. Canterbury, William B. Cecil, David L. Charles, John M. Chisholm, Nancy C. Church, Dela Claypool, Victoria S. Cook, Viola Coulter, Donald A. Crawford, Barbara A. Crnkovich, Margaret C. Dahl, Ruth E. Daiker, Mary V. Davidson, Karl F. Eckstein, Jack Etherton, Esther J. Everett, Ruby C. Fisher, Alice C. Gilman, Virginia M. Gregory, Ronald F. Gribble, Walter T. Grosstueck, Linda L. Gust, Duane M. Hammond, Paula Hansen, Charles Harpole, Don Fredrick Heidt, Sr., Edwin L. Helfer, Yvonne A. Helm, Maxine Hill, Sharon K. Hill, Marjorie M. Hinman, Lillian S. Honeycutt, Harold J. Horine, Billie L. Howard, Marjorie K. Hull, Wayne L. Jacobs, Antonia H. Jaeger, Bill E. James, Bonnie E. Jameson, Michael W. Jasberg, Kathleen M. Jerome, Ida M. Johnson, Jacqueline C. Jordon, Ruth A. Joy, Maxine Elnora Karst, Daisy M. Kienholz, Roanna J. Knoll, Stella M. Koole, Wanda J. Kurt, Ralph D. Lambert, Gloria E. Lapp, Marijean Lemieux, Carolyn M. Longley, Arleigh V. Luoma, Vicki L. Mabes, Sandra K. Madsen, Dale E. Magnus, William L. McArthur, Elizabeth M. McKenzie, Ernest P. Mollendorf, Edward K. Morgan, Walter I. Nelson, Ellen L. Noonan, Frank G. Oberg, Frank L. Orazem, Kathleen R. Orsburn, Fred R. Patano, Donald J. Piekarski, Jimmy W. Pogue, Robert P. Powell, Linda E. Raivio, Marlys A. Rice, Clifford Richardson, Viola L. Roberts, Norman A. Ross, Doris J. Rounsville, Donna Rae Rude, Phillip H. Ruff, Joe Schermanson, Curtis D. Schrader, Esther V. Schpholm, Scott B. Shock, Richard J. Sibert, Roland H. Sisk, Jr., David L. Smith, Arlene C. Sorenson, George Stancik, Roger S. Standley, Gus Z. Stein, Ethel L. Stewart, Brenda Lee Stinson, Maynard Ray Stoumbaugh, James A. Strope, Betty J. Thatcher, Irvin C. Thompson, Frederick F. Townsend, N. K. Ward, Barbara L. Watts, Rose E. Williams, Robert D. Williamson, Ann F. Wilson, Foster S. Wolfgram, Glenn B. Wright, Robert W. Yost.

The Judge made statement to the court and introduced the court personnel. The Court advised the defendant that if he desired to challenge a juror he must do so before the jury was sworn.

The court admonished the jury, he said that while the jury was being selected that he would admonish the jurors not to discuss this matter between themselves or with any one else, If anyone tries to discuss this matter with a juror they are to report this to the baliff immediately. They are asked not to watch news broadcasts or read the papers until the jury has ~~finnal~~ finally been selected. The jurors are asked not to discuss the questions asked in examination.

Margaret Lindley
Deputy Clerk

Approved:

J. Ray Durtschi
Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO — Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH — Defendant | Oct. 6, 1975 — Date

(CONTINUED)

The Clerk was instructed to draw the names of twelve jurors and the following names were called. 1. Yvonne A. Helm, 2. Virginia M. Gregory, 3. Dela Claypool, 4. Barbara A. Crnovich, 5. Marjorie K. Hull, 6. Daisy M. Kienholz, 7. Michael W. Jasberg, 8. Jack Etherton, 9. Joe Schermanson, 10. Vifginia S. Budiselic, 11. Philip H. Ruff, 12. Robert P. Powell.

Court adjourned and trial removed to the Public Safety Building.

Mr. Robinson said that he had a matter to take up with the court before selection of the jury continued.

Defendant's Exhibit E (North Idaho Press, dated Oct. 3, 1975) marked, identified, offered and admitted.

Mr. Robinson said that the polygraph report had been received by him and copies had been given to opposing counsel, and to the court.

He asked permission of the court for John Wickersham to sit in the court by counsel table?

This was granted by the court.

It was asked if the presence of witnesses in the court would be allowed or would they be requested to stay out of the court room until they had testified.

Both counsels stated that they had no intention of requesting seclusion of witnesses from the courtroom during the trial.

Examination for cause of the jurors began.

1. Yvonne A. Helm, examined by the court and passed. Mr. Remaklus examine and challenged the witness because of health, this juror was excused.
2. Virginia M. Gregory was called, and examined by the court, passed by the court, Mr. Remaklus and Mr. Robinson.

Mr. Robinson made a statement to the court regarding the defendant being handcuffed when broungt into court this morning.

The court said that the records will show that the defendant is not in hand cuffs in the court room.

3. Dela Claypool was questioned for cause by the court, passed by the court, Mr. Remaklus and Mr. Robinson.

Court recessed 11:03 am.m

Court reconvened at 11:13 a.m.

4. Barbara A. Crnovich, examined for cause and excused by the court.
5. Marjorie K. Hull examined for cause, examined by the court and it was stipulated by counsel that she is excused.
6. Margaret M. Brackebusch, examined for cause, examined by the court and excused.
7. Michael W. Jasberg, examined for cause by the court and excused.

Court recessed for noon recess

Court reconvened at 1:30 p.m.

The court advised counsel that juror #100, Gladys M. Shuler has been excused.

Mr. Robinson said that at a noon radio broadcast there had been a mention of two shot gun blast, that this was erronous.

Mr. Thomas said there is some question as to withchcraft, and raises the objection that the jurors should not be exposed to this theory, as this falls within the order of the court.

Mr. Robinson made a statement to the court that this was necessary questioning to see if the jurors were overly superstistious.

9. Joe Shermanson called, examined for cause and excused by the court.

The court said that this juror would be excused from any further jury duty because of hearing problem.

10. Virginia S. Budiselic, examined for cause and excused by the court.

Approved

J. Roger Burtenshaw
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant | October 6, 1975 (Date)

(CONTINUED)

11. Philip H. Rugg called examined for cause, passed by the court, Mr. Thomas, challenged by Mr. Robinson, questioned further by Mr. Thomas, Mr. Robinson questioned the juror. Witness excused.
12. Robert W. Powell, examined by the court, passed by the Court, Mr. Remaklus and Mr. Robinson
13. Arleigh V. Luoma, called, examined for cause, passed by the court, Mr. Remaklus and Mr. Robinson.
14. Richard J. Siebert, called, examined for cause, passed by the court, Mr. Thomas and Mr. Robinson.
15. Daisy M. Kienholz, called, examined for cause and passed by the court, Mr. Thomas and Mr. Robinson.
16. Ruby Fisher, called, examined by the court and excused.
17. Antonia H. Jaeger, called, examined for cause and passed by the court, Mr. Remaklus and Mr. Robinson.
18. Kathleen R. Orsburn, called, examined by the court, passed by the court, Mr. Remaklus and Mr. Robinson.

The Jury was admonished and recessed, they were advised that they should refrain from reading any news in the paper about this trial and from listening to new broadcasts on the TV. They will return at 9:30 a.m. Oct. 7, 1975.

Court recessed 4: 50 p.m.

SECOND DAY

One Hundred Ninety Second
October 7, 1975
9:25 a.m.
Present as before

The court said that Juror #26, Diane K. Dutton had been excused.

Mr. Robinson stated to the court that the Osburn Radio Station had given out information on out of state involvments.

19. Wanda L. Bennett was called, examined for cuase and passed by the court, Mr. Thomas and Mr. Robinson.

The court said that juror Vicki L. Mabes had been excused.

20. Arlene Sorenson, called, examined by the court and excused by the court.

Court recessed 10:00 a.m.
Court reconvened 10:15 a.m.

21. Davis L. Smith called, examined for cause and excused by the court.
22. Marijean Lemieux called, examined for cause and excused by the court.
23. Brenda Lee. Stinson, called, sworn and examined for cause, passed by the court, Mr. Remaklus and Mr. Robinson.
24. Rose E. Williams, called, examined for cause and excused by the court
25. Wanda J. Kurt, called, was examined for cause and passed by the court, Mr. Remaklus and Mr. Robinson.
26. Roland H. Sisk, Jr., called, examined for cause and excued by the court.
27. Ruth E. Diaker, called, examined by the court and passed by court, Mr. Thomas, challenged by Mr. Robinson, resisted by Mr. Thomas and the juror questioned further. The court questioned Mrs. Diaker. Passed for cause by Mr. Robinson.

The 12 jurors passed for cause were admonished by the court.

Court recessed for noon.
Court reconvened 1:30

The court said that juror #63, Stella M. Koole as been drawn as stand by juror, for examination for cause.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant | October 6, 1975 (Date)

(CONTINUED)

Mr. Remaklus asked the court that in the event that a peremptory challenge should be waived, would that limit the part to any other challenges, or could they waive and go on with peremptory challenges as to the new jurors drawn after the challenge?

The court said that the new rules lets a party challenge any juror passed for cause after waiver of a challenge.

Permeptory challenges will begin at this time.

Challenge No. 1
Duane M. Hammond was called, and examined for cause. Excused by the court.
Stella M. Koole called, examined for cause. Passed by the court, Mr. Remaklus and Mr. Robinson.

Challenge No. 2
Frank G. Oberg, called examined for cause, passed by the court, Mr. Remaklus and Mr. Robinson.

Challenge No. 3
Harold J. Horine, called, examined by the court, passed by the court, Mr. Thomas and Mr. Robinson.

Challenge No. 4
Walter I. Nelson called, and examined for cause, passed by the court, Mr. Remaklus and Mr. Robinson.
Court recessed 3:00 o'clock p.m.
Court reconvened 3:10 p.m.

Challenge No. 5
Ellen L. Noonan, called, examined for cause passed by the court, Mr. Thomas and Mr. Robinson.

Challenge No. 6
William B. Cecil called, examined for cause and excused by the court.
Alice C. Gilman called, examined for cause and excused by the court.
Court recessed 3:50 p.m.
Reconvened 4:00 p.m.
Howard R. Byrd called, examined for cause and excused by the court.
Maxine Elnora Karst called, examined for cause and excused by the court.
Nancy C. Church called, examined for cause and excused by the court.
Robert D. Williamson called examined for cause and excused by the court.
Ida M. Johnson called, examined for cause and excused by the court.
Viola Coulter called, examined for cause, passed by the court, Mr. Remaklus and Mr. Robinson.

Cahllenge No. 7
George Stancik called, examined for cause and excused by the court.
The court admonished the jurors.
Court recessed 5:15 p.m.

THIRD DAY — One Hundred Ninety Third
October 8, 1975
9:30 a.m.
Present as before

The court informed counsel that Juror No. 65 has been excused because of illness in the family.

Approved:

J. Roger Porter

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH, Defendant — Docket No. 9701 — October 6, 1975 (Date)

(CONTINUED)

The court said that he has received a medical excuse for juror No. 94, Donna Rude and Mrs. Rude will be excused.

Esther V. Scuphom was called, examined for cause and excused by the court.
William L. McArthur called, examined for cause and excused by the court.
Esther J. Everett called, examined for cause, passed by the court, Mr. Remaklus and Mr. Robinson

Challenge No. 8
Peny L. Benson called, examined for cause and excused by the court.
Robert W. Yost called, examined for cause and excused by the court.
Betty M. Barr called, examined for cause, passed by the court and Mr. Remaklus. Challenged by Mr. Robinson, Challenge resisted by Mr. Remaklus.

The court said that he would hear argument outside the presence of the juror. Mrs. Barr was excused from the courtroom.

The court stated that the mention of drugs in the questioning of jurors is not a proper question for examination for cause. The court is concerned that if the matter of drugs will come into court, but if it does it will be relevant, and the jurors should consider the evidence then. Mr. Robinson is bringing this to the attention of the jurors, this fact might not even get into court and if it does it is the opinion of the court that it will not get before a jury.

Mr. Robinson said that he would agree with the court that it is a very thin chance, and my not get in at all, but that if it should get in and should be considered by the jury, and a person is prejudice because of the use of drugs, a fair verdict could not be reached.

The court said that it could not see a prejudice against drugs as a reason to excuse a juror, many people are prejudice against drugs, in fact he is himself.

There was no statement by Mr. Remaklus.

The court said that it is the position of the court that the mere fact that a juror is prejudiced against drugs does not disqualify him as a juror.

Court recessed 11:00 a.m.
Court reconvened 11:10 a.m.
Mrs. Barr recalled and passed by Mr. Robinson.

Challenge No. 9
Fred R. Patano called examined for cause and excused by the court.
David L. Charles called, examined for cause and passed by the court, Mr. Remaklus and Mr. Robinson.

Challenge No. 10
Wayne L. Jacobs called, examined for ~~eee~~ cause, passed by the court, Mr. Remaklus and Mr. Robinson.

Challenge No. 11
Edwin L. Helfer called, examined for cause, passed by the court,
Challenged Mr. Thomas, excused by the court.
Jerry R. Adams called, examined for cause, passed by the court.
Court recessed for noon.
Court reconvened 1:20 p.m.
Jerry R. Adams recalled, passed for cause by Mr. Remaklus and Mr. Robinson.

Approved: J. Ray Durtschi, District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF [illegible]

COURT MINUTES

STATE OF IDAHO, Plaintiff, Docket No. 1706

vs.

THOMAS EUGENE CREECH, Defendant

October 6, 1975
Date

(CONTINUED)

Challenge No. 12
Bill E. James, called, examined for cause, passed by the court, and excused.
Linda E. Gust, called, examined for cause, passed by the court, Mr. Thomas, and Mr. Robinson.
Challenge No. 13
Donald A. Crawford, called, examined for cause, passed by the court, challenged by Mr. Thomas, Challenge resisted by Mr. Robinson. The court explained the reasonable doubt expression to the juror, Juror passed by Mr. Thomas and Mr. Robinson.

Court recessed 2:40 p.m.
Court reconvened 2:50 p.m.

Mr. Robinson asked the court for clarification, that Carol Spaulding entered a plea of Guilty to the charge of Robbery.

The court said that who ever prepared the Judgment used bad wording.

Mr. Remaklus said that Carol Spaulding was charged under section 18-205.

The court said that this is the accesory section, and the crime charged accessory.

The court said that a doctor's certificate for juror #49, Billee L. Howard, has been excused.

Challenge No. 14
Ernest Paul Mollendorf, called, examined for cause, passed by the court, Mr. Remaklus and Mr. Robinson.

Challenge No. 15
Velma R. Canterbury, called, examined for cause, passed by the court, Mr. Thomas and Mr. Robinson.

Challenge No. 16
Wilford D. Bonomi, called, examined for cause, excused by the court
Maxine Hill, called, examined for cause, passed by the court, Mr. Remaklus and Mr. Robinson.

Challenge No. 17
Jacqueline C. Jordon, called, examined for cause, passed by the court, Mr. Thomas and Mr. Robinson.

Court recessed 4:12 p.m.
Court reconvened 4:20 p.m.

Challenge No. 18
Frank L. Orazem called, examined for cause, excused by the court.
Sharon K. Hill, called, examined for cause, passed by the court and Mr. Remaklus, challenged by Mr. Robinson, excused by the court.
Bonnie E. Jameson, called, examined for cause, passed by the court, Mr. Remaklus and Mr. Robinson.
Challenge No. 19 waived.
Challenge No. 20 waived.

The court stated that this trial will be a protracted one and asked if one or two alternate jurors necessary? He also asked counsel if they would waive the requirement to give the oath to jurors before the alternate juror is chosen.

It was stated that two alternate jurors should be picked, and that

Approved:

J. [illegible] Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant

Docket No. 9701

October 6, 1975
Date

(CONTINUED)

counsel will waive the swearing of the jurors until the alternate jurors have been chosen.

Court recessed 5:00 p.m.
Court reconvened 5:10 p.m.

Ronald F. Gribble called, examined for cause, passed by the court, Mr. Remaklus, and Mr. Robinson.
Fredrick F. Townsend, called, examined for cause, excused by the court.
Betty J. Thatcher, called, examined for cause, passed by the court, Mr. Thomas and Mr. Robinson.

Challenge No. 1
Alvin J. Buchtel, called, examined for cause, passed by the court, Mr. Remaklus and Mr. Robinson.

Challenge No. 2
Kathleen M. Jerome called, examined for cause and excused by the court.
Margaret C. Dahl, called, examined for cause and excused by the court.
Scott B. Shock, called examined for cause and excused by the court.

Court recessed 6:10 p.m.
Court reconvened 6:15 p.m.

Irvin C. Thompson called, examined for cause, excused by the court.
Ralph D. Lambert, called, examined and excused by the court.
Dale E. Magnus, called, examined for cause and excused by the court.
N. K. Ward, called, examined for cause and excused by the court.
Curtis D. Schrader called, examined for cause, excused by the court.
Lillian S. Honeycutt called, examined for cause, passed by the court, Mr. Thomas and Mr. Robinson.

Challenge No. 3 waived.
Challenge No. 4 waived.

Court recessed 7:20 p.m.
Court reconvened 7:30 p.m.

The court said that the jury had been selected and he will now read those seated on the jury and those excused.

The following jurors will be seated in the jurors box.
1. Esther J. Everett, 2. Walter I. Nelson, 3. Robert P. Powell, 4. Frank G. Oberg, 5. Ernest Paul Mollendorf, 6. Daisy M. Kienholz, 7. Velma Canterbury, 8. Wayne L. Jacobs, 9. Wanda L. Bennett, 10. Bonnie E. Jamison, 11. David L. Charles 12. Maxine Hill
Alternate jurors are Ronald F. Gribble and Lillian S. Honeycutt.

The remaining jurors will be excused at this time. The court thanked them for their attendance.

The court said that the jurors and alternates seated in this case will be allowed to return to their homes this evening to get their clothes, and will not be sworn until tomorrow morning. They will bring their things directly to the courthouse, as there will be transportation to the motel for them. The Court repeated the admonition heretofore given.

Court adjourned at 7:55 p.m.

FOURTH DAY — One Hundred Ninety Fourth
October 9, 1975
9:55 a.m.
Present as before

The court stated that the alternate juror, Mr. Gribble came to him this morning, said that he had thought about this case last night and that

Approved

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

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STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH, Defendant — Docket No. 9701 — October 6, 1975 (Date)

(CONTINUED)

that he had recalled more about this case than he had told at the time of questioning. The court said that both counsels could examine the juror now outside the presence of other jurors, if they wanted.

Both counsels agreed to this.

The court expressed appreciation to Mr. Gribble for coming forth with additional information.

The court questioned Mr. Gribble, who stated that he had heard remarkd about this case from fellow workers who came in the office from Boise, Idaho, but that he had not connected those remarks with this case until after he had gotten home last night.

Mr. Remaklus asked Mr. Gribble if he felt that he could set aside anything he had heard and judge this case solely on the evidence presented in this court?

Mr. Gribble said that he would try.

Mr. Remaklus passed the juror for cause.

Mr. Robinson questioned Mr. Gribble. He challenged the juror.

Mr. Remaklus said that he would not resist the challenge.

The court questioned the juror. He said that he would try to be fair, but was not sure that he could do it.

Mr. Robinson still challenged the juror.

The court excused Mr. Gribble

The court asked counsel if they were willing to proceed with one alternate juror?

The court asked Mr. Gribble if he had discussed this with any of the other jurors?

Mr. Gribble said that he had not.

Counsel agreed to try this matter with one alternate juror.

The court said that he would go ahead and try this matter with one alternate juror, and won't call a mistrial in this matter.

The juror Mr. Gribble was excused.

Jurors were called in.

The Clerk was instructed to give the Oath to the jury panel.

The Alternate juror was sworn in.

Mr. Remaklus made his opening statement to the court.

The Clerk was instructed to read the Information to the jury, stating that the defendant had entered a Not Guilty plea to the charge filed against him.

Mr. Robinson reserved the right to make his opening statement until later.

The court admonished the Jury

Court recessed 10:30 a.m.

Court reconvened 11:15 a.m.

Jurors returned into court.

Mr. Robinson said that they would waive the roll call of jurors and stipulated that all jurors were present.

Mr. Remaklus said that the State would so stipulate.

Mr. Thomas asked if there was any objection to respective witnesses remaining in the court room.

There was no objection by Mr. Robinson.

Johnny J. Hill, Horse Shoe Bend, Idaho, was called, sworn and direct examined by Mr. Remaklus. He said that he is 24 years of age, and is employed as a logger for the past 2½ - 3 years. He was engaged in this employment on November 1974, near Donnelly, Idaho. He was working with Ray Hall, also a logger. He said that he went past Donnelly, Idaho each evening on his way home, that in November 1974 he was on his way home with his partner and they stopped on the road, where the old highway

Approved: J. Ray Durtschi, District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

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(CONTINUED)

branches off, to add oil to his truck. This was approximately 5:30 or 5:45 p m The weather was cloudy, but there was no snow on the ground. He said that he observed something in the ditch on the side of the road and called it to the attention of his partner. When they went to look they saw a trail of blood leading to a sleeping bag and a blanket in the ditch They looked under the sleeping bag and the blanket and saw two dead men He described the area where the bodies were found.

Plaintiff's Exhibit No A (Photo) previously marked at trial in Cascade, Ida., identified and offered with an enlargement of the same photo, with the same exhibit No . Exhibit was admitted.

Plaintiff's Exhibit No G (Photo) previously marked at Cascade, Idaho, and enlargement of same with same exhibit No., identified, offered and admitted.

Plaintiff's Exhibit No G (Photo) previously marked at Cascade, Ida, with enlargement of same with same exhibit No., identified, offered and admitted.

Plaintiff's Exhibit No J (Photo) previously marked at Cascade, Ida, with enlargement of the same with same exhibit No., identified, offered and admitted.

Plaintiff's Exhibit No B (Photo) previously marked at Cascade, Ida. with enlargement of the same with same exhibit No., identified, offered and admitted

He stated that he was notified the Sheriff and got a ride back to the scene of the accident and waited for the Sheriff to arrive from Cascade, Idaho. He waited around there with Sheriff Lynskey for a time and went on home.

Mr. Robinson cross examined Mr Hall

Plaintiff's Exhibit No. 4 (sleeping bag) previously marked Cascade, Idaho, identified, offered and admitted

Plaintiff's Exhibit No 5 (blanket) previously mared Cascade, Idaho, identified, offered and admitted.

There were no further questions by either attorney.
Mr. Remaklus asked if this witness could be excused.
There was no objections by Mr. Robinson.
Witness excused.

Roy Lynn Hall Troy, Idaho, called, sworn and direct examined by Mr. Remaklus. He said that he is sixteen years of age and has worked in logging for his father for the past two years, he was so engaged in this work in November 1974. That on Nov. 5, 1974 he was working five miles out of Donnelly, Idaho, and living at Cascade, Idaho. He was riding back and forth to work with Johnny Hill, in his car. That they stopped on the highway, on the way home, to put oil in the car, he got out to put the oil in and noticed a couple sleeping bags or blankets thrown in the ditch, he told Johnny Hill about this and he got out of the car and they went to look, as they pulled back the sleeping bag and the blanket, they notice two dead person Approved: under these.

J. Ray Gatchell

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant

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(CONTINUED)

He said at the time they were headed south, and the bodies were on the passenger side of the road. After discovery of the bodies they walked back to Donnelly and called the Sheriff, returning to the scene of the murder and waited for the Sheriff to arrive. They remained at the scene of the crime for 2 to 3 hours.

There was no further questions by Mr. Remaklus.

It was stipulated that the witness could be excused.

Court excused the witness.

Martin J. Maxwell (Jim), Chief Deputy of Valley County, Idaho, was called, sworn and direct examined by Mr. Remaklus. He gave a back ground of his experience in law enforcement. He said that he was on duty at the Sheriff's office at Cascade, Idaho on Nov. 5, 1974, and had occasion to investigate an incident near Donnelly, Idaho, on or about 5:30 p.m.. He said that he contacted Sheriff Lynskey and proceed to the scene of the accident. He said that at the site he found a pickup truck sitting there, pointed in a southerly direction. Several people were at the scene when he arrived. He said that it was just getting dusk and the weather was cold and over cast. Mr. Hall and Mr. Hill were among the people there, Sheriff Lenskey, Mr. Smith, Gene Hawker, Mr. Wesley Woodall, the Prosecuting Attorney and the corner, Burton Walker. He said that Brian Miller, McCall police officer was there and pointed out the two bodies in the drainage ditch. He described the location of this scene. It is a wide spot on the road, off the oiled portion of the highway, a junction of highway No. 55 and old highway No. 15, in Valley County, Idaho, approximately 1 mile south of Donnelly, Idaho.

The jury was admonished.

Court recessed 11:58 a.m.

Court reconvened 1:30 p.m., jurors returned, stipulated all present.

Mr. Remaklus continued to direct examine Mr. Maxwell. He was questioned regarding exhibits 1A 1J, 1C, and 1G.

Plaintiff's Exhibit 3 and 3A (diagram and enlargement of same) previously marked at Cascade, Idaho, identified, offered and admitted.

Plaintiff's Exhibit 1L (Photo) previously marked at Cascade, Ida., was identified, offered and admitted.

He further stated that after his arrival at the scene of the murder he attempted to identify and gather physical evidence. They made a diagram of the area (Exhibit 3 and 3A) and took pictures. He was at the scene until around midnight. He said that Brian Miller was left at the scene to keep the area secure during the night.

Plaintiff's Exhibit No. 7 (plastic fragments of dom. light) previously marked at Cascade, Idaho were identified.

Plaintiff's Exhibit No. 6 (large piece of asphalt) previously marked at Cascade, Idaho, was identified, offered and admitted.

Mr. Maxwell said that earlier that same day Nov. 5, 1974 he had received a report from the dispatcher in Cascade Idaho to investigate an abandoned vehicle. The dispatcher said that a report had been received from Steve Hager, of the State Highway Department about 4:30 p.m.. He went to the location of the car, which was south of Cascade on highway 55.

Plaintiff's Exhibit 28A (Photo) previously marked Cascade Co. Idaho, identified, offered and admitted.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

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He said that when he looked inside this abandoned car, that he noticed several papers on the seat, blood smears on the steering wheeland door panel. That papers and shell casings were found in the car. The papers were removed from the car at that time.

State's Exhibit No. 27 (documents found in car) previously marked at Cascade Co., identified, offered and admitted.

As soon as he found the shell casing and what he believed to be blood, he contacted Sheriff Lenskey, and had the vehicle moved to Cascade, Idaho by way of wrecker and it was impounded, first at the Sheriffs office and later moved to a garage and was there locked up. The following day on Nov. 6, 1974 he went to the garage with Mr. Woodall, after, Jerry Fletcher, a State Investigater had gone over the car. He took some pictures of the inside of the car. He said that he had advised the investigator where the 22 shell casings were located in the car. He did not remove the casing, they were in what appeared to be a large amount of blood.

Plaintiff's Exhibit No. 29 A(Photo)
Plaintiff's Exhibit No. 29B (Photo)
Plaintiff's Exhibit No. 29 C (Photo)
Plaintiff's Exhibit No. 29 D (Photo)
Previously marked at Cascade, Idaho, identified, offered and admitted.

Plaintiff's Exhibit 28 G (Photo)
Plaintiff's Exhibit 28 B (Photo)
Plaintiff's Exhibit 28 C (Photo)
Plaintiff's Exhibit 28 D (Photo)
Plaintiff's Exhibit 28 E (Photo)
Plaintiff's Exhibit 28 F (Photo)
Previously marked in Cascade, Idaho, identified and admitted by the court.

The jury was admonished by the court.
Court recessed 2:25 p.m.
Court reconvened 2:40 p.m.
Jury was returned and stipulated all present.

Plaintiff's Exhibit No. 42 (Photo) previously marked at Cascade, Idaho, identified.
Plaintiff's Exhibit No. 43 (Photo) previously marked at Cascade, Idaho, identified.
Plaintiff's Exhibit No. 44 (Photo) previously marked Cascade, Idaho, identified.
Plaintiff's Exhibit No. 45 (Photo) previously marked Cascade, Idaho, identified.
Plaintiff's Exhibit No. 46 (Photo) previously marked Cascade, Idaho, identified.
Plaintiff's Exhibit No. 30 (dome light) previously marked Cascade, Idaho, identified, offered and admitted.
Plaintiff's Exhibit No. 7 offered and admitted.
He testified that while the car was impounded in Budrow Service Station it was finger printed, blood stains were taken and other investigation made.

Officer Woodall issued a bulletin for the defendants from Valley County. The description put in the bulletin was for a white male, early 20's, medium build and a young female, dark blue maxi coat, long blond hair.

Approved:

J. [illegible]
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
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This description had been given to him by Mr. Lister Kelly.
He was later notified from Glens Ferry, Idaho, that they had two persons in custody fitting this description. He and Mr. Woodall went to Mountain Home, Idaho, which is east of Boise, on Nov. 8, 1974, they went in his county car, arriving at Mountain Home at about 8:30 a.m.. They met the Elmore County Sheriff and deputy at a cafe and from there proceeded on to the Sheriffs office. When they arrived at the Sheriffs office they talked to Carol Spaulding. Officer Woodall and himself then went to the commissioners room where all the items taken from the two persons, Thomas Creech and Carol Spaulding were at, and they took possession of these items from Jack Freeman. These items were put in plastic bags.

State's Exhibit, previously marked at Cascade, Idaho were identified by Mr. Maxwell.

State's Exhibit No. 22 (pistol) identified.

State's Exhibit No. 23 (holster) identified.

State's Exhibit No. 25 (coat) identified.

State's Exhibit 25A (2 boxes 22 caliber long rifle shells from bag of Carol Spaulding) marked and identified.

State's Exhibit No. 47 (plastic bag, containing items with Q numbers 25 through 31) marked identified, offered and admitted.

State's Exhibit No. 41 (10 live 22 caliber shells) identified.

Mr. Maxwell said that he talked to the defendant, Thomas Creech at the Mountain Home plice station. He was also in the car when the defendant was transported back to Cascade, Idaho from Mountain Home, Idaho. All the clothing and items taken from the two defendants were taken back in the trunk of the car. He said that the car taking Mr. Creeck and Miss Spaulding back was driven by Mr. Woodall. They arrived back in Cascade at approximately 9:30 p.m..

He sa[illegible] that while he was in Mountain Home he went to court for arraignment proceedings with Miss Spaulding. He also was present when a conversation was had with Mr. Creeck, Present during that conversation was the defendant, Creech, Mr. Woodall, Mr. Mason, Miss Spaulding and Mr. Maxwell.

The jury was admonished and excused at this time.

The court questioned Mr. Maxwell regarding this conversation? He said that the defendant was entitled to object to the statement, and asked if this conversation was a part of the Motion to Suppress.

Mr. Robinson said that the conversation to be testified to here are within the scope of the Motion.

The court made a statment that the Motion to Suppress was not directed to any orsl statment of defendants, he asked if a foundation has been laid to oral statement. He said that based on the foundation given in Motion to Supress hearing, regarding exhibit B, admitted at that hearing, that the defendant had fully advised of his rights at thetime of statement. and this would carry over to the time being transported back to Cascade from Mountain Home, that this statement was voluntarily given. That the ruling at Motion to Suppress hearing only goes to the statement revealed at that time.

Approved: J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
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(CONTINUED)

The court advised counsel that any other statement not involved in the hearing at the Motion to Suppress was left open and the court was to rule on it at the time of admittance, if statement was voluntarily given, or it could be left up to the jury to determine if the statement was voluntary or not. The court makes the ruling that the statement was voluntarily given and is admissable. The jury can give whatever weight to it that it wants to.

Mr. Robinson made a statement to the court.

Mr. Remaklus said that Mr. Maxwell would testify only that on the way back from Cascade, as they passed mile post 94, that the defendant made a statement that that was the place they left the car, the place being near Cougar Mountain Lodge.

Mr. Robinson said that he was satidfied that this would come within the scope.

Court recessed 3:35 o'clock p.m.

Court reconvened 3:50 p.m.

Jury was returned and it was stipulated all present.

Mr. Remaklus continued examination regarding the conversation had in the car on the way back to Mountain Home. Mr. Maxwell said that they were driving along the highway and at mile post 94 the defendant stated that was the place that they had left the car, and pointed out Cougar Mountain Lodge, as the place that they had spent the night.

Mr. Maxwell said that the car was found around mile post #94, that this is approximately five miles from Cougar Mountain Lodge, and that Cougar Mountain Lodge is between Cascade, Idaho and mile post #94.

Mr. Maxwell was asked where all the objects brought back from Mountain Home to Cascade were kept. Mr. Maxwell said that all these were put in the Sheriffs office vault while the defendant was taken to court for arraignment proceedings. The items were then removed to his office and labeled and tagged and then taken to Boise, Idaho to Mr. Masons office where they were wrapped and sent to the FBI lab. in Washington D C. That the clothing from the victims and some of the bullets had been delivered to him by Sheriff Lynskey. He said that th Q numbers are on all items in the plastic bags. Q 34 and Q35 in small plastic bag, Q36 to Q41 in large plastic bag, and Q42 to Q49 in one large plastic bag. He said that he mailed all the evidence to the FBI lab personally. That he picked up these items at the post office when they were returned from the lab. He said that there were four (4) boxes mailed to the lab in Washington D.C., these were sent registered and insured. He said that when these four boxes were returned they had the original wrapping on them in tact.

He was asked what wasl mailed to the FBI in the four boxes? Mr. Maxwell said that the four bullets removed from the victims were sent in the small box.

State's Exhibit No. 10, previously marked at Cascade, Ida. (slug) identified.
State's Exhibit No. 11, Previously marked at Cascade, Ida, (slug) identified.
State's Exhibit No. 12 previously marked Cascade, Ida. (slug) identified.
State's Exhibit No. 13, previously marked Cascade, Ida (slug) identified.
Mr. Maxwell said that Q5 and Q6 (fired 22 caliber casings) were mailed to Wash. D.C. lab.
State's Exhibit No. 48 (shell casing) marked, identified, offered and admitted.

He stated that after the boxes were returned they were locked in the vault at the Sheriffs office at Cascade and opened at the trial at Cascade, Idaho. That this evidence was re-sealed and locked in the evidence vault by Mary Hill, and then brought by him, in his car to Wallace, Ida, and locked in the evidence vault at the Shoshone County Public Safety Bldg. This was opened by Mary Hill, Mr. Remaklus, Mr. Robinson, Sidsel and the [illegible].

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH, Defendant

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October 6, 1975
Date

(CONTINUED)

and brought into this court room this morning.

State's Exhibit No. 26 (box 22 shells) previously marked at Cascade, Ida. was identified.

State's Exhibit No. 27A (yellow tablet (legal Pad) with letter Joyce from Wayne, taken from 1956 Buick) marked, identified, offered and admitted.

The court said that there were matters to take up out of the presence of the jury so the jury was admonished and recessed until tomorrow at 9:30 a.m.

Court recessed 4:20 p.m.

Court reconvened 4:40 p.m.

The court said that it had requested counsel to transcribe from the tape recording and present this transcript to the court.

Mr. Thomas made a statement to the court said that this was previously submitted, with exhibit A attached. this relates to statements and confessions of defendant, and he would like this admitted, the part of page 48, fifth line down, omitting lines 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, rest of page 48, page 49 page 50 except 7, 8 and 9th line from bottom.

Mr. Robinson agreed with this.

The court sated that he had already considered original statement. That he would not consider admission of the tape of conversation in plane. He would admit everythin in transcript up to page 48, beginning with line 7 on page 48 through to line 9 on page 49, all page 50 except line 7 up from the bottom of the page.

Mr. Robinson agreed to this.

Court recessed 4:50 o'clock p.m.

FIFTH DAY

October 10, 1975
One Hundred Ninety Fifth Day
Present as before

The court advised counsel that the [redacted] baliffs had been sworn in by court but that the court had neglected to swear in [redacted] baliffs, but had warned them personally of their duties. The [redacted] baliffs have reported no incidents. If counsel wants to they can question the baliffs.

No questions by counsel.

The Clerk was instructed to give Mr. and Mrs. Armbruster the oath, and day baliffs.

The court said that matters taken care of last night would be offered as Exhibit No. 49.

This was so stipulated by counsel.

Mr. Robinson said that this exhibit was not to go to the Jury, except the portion agreed to.

The court said that none of exhibit No. 49 would go to the jury.

States's Exhibit No. 49 (statement) marked and admitted.

The court said that exhibit No. 49 is not to go to the Jury for any purpose, only edited portion on tape.

Mr. Thomas said that Dr. Heyrends written report has been received.

Mr. Robinson asked if there was any prescriptions with the report?

Approved:

J. [redacted] District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
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(CONTINUED)

Mr. Thomas said that he knew nothing about any prescriptions. Mr. Thomas said that Dr. Heyrend did not address himself on one question if he was of the opinion that this crime was a product of mental defect, but will do this when he testifies in this matter.

Mr. Robinson informed the court that he found the prescriptions for the defendant in his envelope.

Jury was returned and it was stipulated that all were present.

Mr. Maxwell resumed the stand and Mr. Remaklus continued direct examination.

Plaintiffs Exhibit No. 3 (diagram) was offered and admitted.

Mr. Maxwell said that he had checked the sheriffs log last night, and wished to correct the date testified to yesterday, that the original day was Tuesday, Nov. 5, 1974, not Monday, which was the day of the crime.

Mr. Robinson cross examined the witness, Mr. Maxwell. He was asked if he or Sheriff Lynskey had complete charge of the two deaths being investigated. Mr. Maxwell answered that he was part of the team investigating this and they started to determine the identity of the victims, this chore was assigned to Bud Mason, which was learned by him through photos and finger prints comparisons from written documents.

Defendants Exhibit A (copy FBI rap sheet- Bradford) marked, identified, offered.

Defendant's Exhibit B (FBI rap sheet - Arnold) marked, identified, offered (synopsis 12-29-73)

State's Exhibit No. 17/previously marked Cascade, Ida. identified, offered.

State's Exhibit No. 18 (mugshot) marked, identified, offered

State's Exhibit No. 19 (teletype) marked,identified, offered.

Mr. Maxwell said that these were all part of his investigation filed and ask to make photo copies of this.

Mr. Remaklus objected to exhibits #17, #18, Deft. A and B.

The court said that this was improper cross examination and sustained the objection.

Mr. Robinson asked if he had anything else to identify the victims? Mr. Maxwell said nothing in his file, most of his things had been turned over to the State's attorneys.

Mr. Robinson asked that between Nov. 5, 1974 and Nov. 8, 1974 if the investigation of the victims had taken any other turn, other that to the defendant and Miss Spaulding? If anyone else had come into the scope of their investigation?

He answered No, but the investigation did continue after Nov. 8, 1974 in regards to lab tests, but the case was established against the defendant, Thomas Creech.

Mr. Robinson asked if Exhibit 3 and 3A was correct to all details as found on Nov. 5, 1974. Witness answered that it was.

Mr. Remaklus re-direct examined. He asked if there had been any reason to pursue any other suspect in this matter.

Mr. Maxwell answered that there had been none.

Mr. Robinson ask that this witness remain available for further questioning.

Jury admonished.

Approved: J. Ray Durtschi, District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff) Docket No. 9701

vs.

THOMAS EUGENE CREECH Defendant) October 6, 1975 Date

(CONTINUED)

Court recessed 10:00 a.m.
Court reconvened 10:20 a.m.

Steven R. Hager, Cascade, Idaho, called, sworn and direct examined by Mr. Remaklus. He said that he is employed for the State Highway Dept. as a maintenace man, is 21 years of age. He was so employed in Nov. 1974. He maintains the highway from Horse Shoe Band past Cougar Lodge to Donnelly, this is highway #55 and 16. He said that he resides in Banks, Idaho. He said that he saw the abandoned car on the highway on Nov. 4, 1974 first, this car was headed south on the north bound lane, and was a Buick make. He said that he did not notify the Sheriff until Nov. 5, 1974 of the car. He looked in the car and took the keys and opened the trunk, looked over the river bank incase someone had been hurt, he found a bunch of papers which he picked up and put in the front seat of the car, then called the Sheriff.

There were no questions by Mr. Robinson.
It was stipulated that this witness could be excused.

Geraldine Fletcher, Meidan, Idaho, was called, sworn and direct examined by Mr. Remaklus. She said that she is employed by the State of Idaho Department of Law Enforcement as a finger print technician, for which she had four years training, and has expierence in trying to raise finger prints in approximately 300 cases. She was so employed as a technician in November 1974. On Nov. 6, 1974 she went to Cascade, Idaho on a call to process an automobile, the same auto as pictured in exhibits 28A and 28G. This investigation was made at the Philips 66 station at Cascade, Idaho. She described the investigation. There were finger prints, but just partial ones.

States's Exhibit No. 42 (photo) previously marked at Cascade, Idaho, identified and offered.
State's Exhibit No. 43 (photo) previously marked Cascade, Idaho, identified and offered.
State's Exhibit No. 44 (Photo) previously marked at Cascade, Idaho, identified and offered.
State's Exhibit No. 45 (Photo) previously marked at Cascade, Ida. identified and offered.

Mr. Robinson objected.
Court sustained objection.

Mr. Remaklus continued examination. He asked if while she was inspecting the car if Officer Maxwell and Officer Mason were there? She answered that they were there part of the time.

Plaintiff's Exhibit No. 46 (22 cal. shell casing) previously marked, was identified
Plaintiff's Exhibit No. 48 (22 cal. shell casing) previously marked, was identified.
She said that she took exhibits #46 and #48 to Boise, Ida. and turned them over to Officer Mason, then they were sent to Wash. D.C. lab.

Mr. Robinson cross examined the witness. She testified that there were partial finger prints on the doors and steering wheel, but were un-identifable. She said that she compared the prints to those taken by Mr. Mason of the victims, but these were too smudged to tell for sure. She said that the victims were positively identified through finger prints tho.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

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Mr. Remaklus asked if it was unusal to locate only smudged prints? She answered that it was not.
Mr. Robinson asked if smudged prints identified anyone? She answered they did not

Richard A. Crum, Centerville, Va., was called, sworn and direct examined by Mr. Remaklus. He stated that he is a special agent with the FBI, and has been for the pas five and one-half years. His duties are the identification of fire arms. He explained his educational back ground, and special training. He said that in Nov. 1974 he was so employed. He inspected the four card board boxes, these were the same boxes received at the labatory in Nov. 1974 containing specamins for examination. These items were given Q numbers 1 through Q 49 and K 1, He related that the Q 1 through Q 4 were 4 bullets, Q 1 now marked at Plaintiffs. Exhibit 11, Q2 now marked Plaintiff's Exhibit 12, Q3 now marked Plaintiff's Exhibit 13, Q4 Now Stae's Exhibit No. 10, Q5 now states exhibit 46, Q6 now States Exhibit No. 48, Q 6 through Q 16 are contained in States Exhibit No. 41. Q 17 through Q 24 and Q 41 through Q 49 contained in exhibit 24. Mr. Crum explained the examination made on the exhibits received by him. He said that after the examination of the items marked with Q or K numbers, he returned them to Valley County, Idaho to the Sheriff by registered air mail and 1 box air express C.O.D..

Mr. Robinson cross examined Mr. Crum. He said that Q Numbers were orwarded to Tony Hodge for examination. A written report was prepared by him and sent to Valley County Sheriff, this report was prepared from his own examination of items marked Q 1 through Q 16 and K 1 and the Hodge report made to him of examinations of Q 17 through Q 49. He explained his examination of Q 5 and Q 6. He said that he made test cartridges to compare to the cartridges submitted to him. He was asked if there was any question that Q5 and Q6 were fired from the gun marked K1? He answered that there was no doubt in his mind.

Mr. Remaklus re direct examined Mr. Crum regarding the Q numbers and K numbers given exhibits.

Alvin E. Hodge, called, sworn and direct examined by Mr. Remaklus. He stated that he is a special agent with the Federal Bureau of Investigation in Washington D.C. He gave his educational back ground and the nature of his work, of identifing blood and other body fluid. He was so employed in this field in November and December 1974.

Mr. Robinson said that he would stipulate that Mr Hodge did the examinations of items marked Q17 through Q 49.

Mr. Remaklus questioned him as to the result of the tests from his work sheet.

Jury was admonished.
Court recessed 11:23 a.m.
Court reconvened 11:45 a.m.
Jury returned and it was stipulated all present.

Mr. Remaklus continued to examine Mr. Hodge as to the tests on blood tests. He identified the following items as to Q numbers. Q 17 Spaulding coat, Q 18 Spaulding slacks, no blood present, blood on Spaulding coat could not type. Q 19 Spaulding stockings, Q 21 Spaulding Blouse, Q 22 Spaulding panties, Q 23 Spaulding left shoe, Q 24 Spaulding right shoe, Q 25 Creech pants, Q 26 left shoe Creech, Q 27 Creech right shoe, Q 28 Creech shirt, Q 29 Creech belt, Q 30 Creech all these items were found negative. Q 30 Creech Levi Jacket, Q 31 Creech Nylon jacket, both were found to have human blood stains on them.

Approved:

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Q32 and Q33 socks of Creech negative findings, Q34 Creech pants were found to have human blood on them, Q 35 Creech shirt was found to have human blood, 0 36, shirt from unknown person found to have group A blood, Q37 trousers from unknown person found group A blood, 37A found blood.

Jury was admonished for noon recess.

Court reconvened 1:30 p.m.

Jury was returned and it was stipulated all was present.

Mr. Remaklus continued to examine Mr. Hodge. Who related his findings on Q38 undershirt of unknown party, Q39 of unknown party, sock and also Q40, Q41 belt unknown, blood found negative. Q 42 Shirt, Q43 trousers, Q44 under shirt, Q45 undershorts, Q 46 and Q47 socks, Q48 left shoe, Q49 right shoe all belonging to victim Arnold found with A type blood.

State's Exhibit No. 50 (copy of report notes) marked, identified, offered and admitted.

Mr. Robinson cross examined Mr. Hodge. He testified that he did identify human blood group A that of victims Arnold and Bradford. He said that he had seen the copy of the report by Mr. Crum and sent to Sheriff Lynskey. He reviewed this report and checked with his notes. He said that the conclusions made was that the human was limited to Q No. 17, 46, and 49, no blood was found on Q Nos 18 through 29 and on 32, 33, 39, 40, 41, that group blood was found on 30, 31, 34, 35, 38. He related again how the tests were made. He was asked if he had determined if any of the garments had been washed? He stated that he had not, but under normal conditions this can be told and he was sure that he would have noted it if it had. He examined Q30 and Q31 jackets of the defendant Creech, Mr. Hodge said that he would guess that they had not been washed.

Mr. Remaklus re-direct examined Mr. Hodge. He said that he was unable to make blood grouping on Q 30 and Q 31, there was something in the material that could not group.

It was stipulated that Mr. Crum and Mr. Hodge could be excused.

Burton Walker, McCall, Idaho was called, sworn and direct examined by Mr. Remaklus. He said that he owns and operates the Walker Funeral Home, and has since 1958. He is also Coroner for Valley County, Idaho, since 1960. He was coroner on Nov. 1974. He had the occassion to go to a place on highway #55, 1 mile south of Donnelly, Idaho, where he saw two bodies. As coroner he made an examination of the bodies at that time and determined that both bodies were in the same condition, that they had been dead about 24 hours. He said that later on that evening he loaded the bodies in his hearse and transported them to McCall, Idaho, the time of this was about mid-night on Nov. 5, 1974. He left the bodies in the hearse and made arrangements for a post mortem examination, and next morning took them to Boise, Idaho to the St. Alphonsus Hospital. These two bodies were taken and delivered to a Dr. Scott. He remained at the hospital for the first autopsy of the unknown victim, later found to be John Wayne Bradford.

Mr. Robinson cross examined Mr. Walker. He said that he was not a doctor so the autopsy was done at his request. He requested that a blood check, urine test be made on the victim Bradford, he was not sure that a drug screen test was made or not.

Mr. Burton was excused at this time but ordered to remain in the court for further questioning.

Dr. Delbert E. Scott M.D. was called, sworn and direct examined by Mr. Thomas. He said that he is a physician there. He gave his educational

Approved:

J. Ray Durtschi
District Judge

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background to the court. He said that on Nov. 6th and 7th, 1974, he performed the autopsies on the victims Arnold and Bradford. The autopsy on Bradford was performed on Nov. 6, 1974, he described the proceedure, he removed three bullets from the face and neck of this victim. He made internal tests, urine test, blood tests. His opinion was that death was caused by gun shot wound. When asked what shot that he felt had been the fatal one, he replied that it appeared to be the one right of the right nostril. It was his opinion that the shots were fired from 2½ and 3 ft. distance.

On Nov. 7, 1974 the autospy was performed on Mr. Arnold, the identity of this victim had been learned from Mr. Bud Mason. He said that in the presence of Mr. Mason he performed this autospy, made the usual blood, and alcohol tests. He removed one bullit from this victim in the right temple area. He gave this slug to Mr. Mason. It was his opinion that this gun shot severed the artery causing death. He said that there were no powder burns, impling that this shot was a distance greater than arms length. He said that the bullets taken from the victim Bradford was given to Sheriff Lynskey.

Jury was admonished and excused.

Court recessed 2:35 o'clock p.m.

Court reconvened 2:45 o'clock p.m.

Jury was returned and stipulated all present.

Mr. Robinson cross examined Dr. Scott. He asked if the victims had any tatoos? He replied that there were around 15 or 20 of them.

Defendant's Exhibit C(Post Mortem-Bradford) marked and identified.
Defendant's Exhibit D (Post mortem - Arnold) marked and identified.
Exhibit No. C offered.
Objection by Mr. Thomas, not original.
Dr. Scott stated that the original was sent to Mr. Walker or Sheriff Lynskey. Dr. Scott read the illegible part into the record and then it was stated that a more legible copy would be substituted.
Exhibit C admitted.
Defendant's Exhibit D was offered and admitted.
The court agreed that the copy could be filed and a more legible copy be substituted.

Mr. Robinson questioned Dr. Scott as to the mark on the back of Mr Bradford? He said that no reference was made to this mark.

Mr. Thomas re-direct examined Dr. Scott. He said that no mention was made to the makr as it was not related to death of victim.

It was stipulated that Dr. Scott could be excused.
Defendant's Exhibit E (Beals report) marked.

Loren Beals, Boise, Idaho was called, sworn and direct examined by Mr. Thomas. He said that he works at the St. Alphonsus Hospital and St. Luke Hospital, Boise, Idaho as a toxicologist and chemist and has been employed as such since 1970. He gave his educational background. He said that he received blood and urine samples from two victims from an autopsy on Nov. 6 and 7, 1974.

Mr. Remaklus stated that the original copies of Exhibits C and D have been located and these were substitued for the copies. Exhibits C and D were marked, and admitted and the copies withdrew.

It was stipulated that Dr. Scott could now be excused.

Mr. Thomas continued the direct examination of Mr. Beal. He said that when he received the samples on Nov. 6, 1974 that he did not know

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the idenity of the individual, only as #3146. On Nov. 7, 1975 he received samples from one identified as Arnold also known as #3147. He said that later he learned that #3146 was Bradford. He related the test made. That the alcohol test on Bradford was 0.14 and the one on Arnold was 0.195. He found no trace of drugs. There was an indication that considerable alcohol beverages had been consumed.
Plaintiff's Exhibit 51 (blood sample) marked and stipulated admitted.
Plaintiff's Exhibit No. 52 (blood sample) marked and stipulated admitted.
Defendants Exhibit F (Beal Report on Arnold) marked, identified, offered.
Defendant's Exhibit G (Beal Report on Bradford) marked, identified, offered.

Mr. Beal said that exhibit F on Arnold showed 0.195 and Exhibit G for Bradford showed 0.14

Defendant's Exhibit F and G were admitted.

Dr. Beal said that the tests revealed no drugs, just alcohol.
It was stipulated Mr. Beal be excused.

Steven Paul Rivers, Portland, Oregon was called, sworn and direct examined by Mr. Thomas. He said that he came in contact with the defendant in Nov. 1974 when he was traveling across the country from Portland, Ore. to Baltimore, Maine. He said that he met the defendant on Interstate 80, in Idaho at a rest area. He stopped there and was approached by Carol Spaulding, s e asked if her and her boy friend could stay in the car for awhile, as it was very cold and they wanted to warm up. He told them that he was on his way to Salt Lake City and could give them a ride. After they had been on the road for a while he wanted a cup of coffee so pulled in to Glens Ferry, Idaho. He and Carol Spaulding went in the cafe, but the defendant, Creech stayed in the car. They went out and got in the car and started out of town they were apprehended by the police. The police took the three of them into custody at this time. They were all taken to the police station at Glens Ferry and later on transferred to Mountain Home, Idaho. He was asked if he noticed any unasal action of the defendants? He said no just concern at being stopped. He said that when he pulled over he thought that he was stopped for spot check.

Mr. Robinson cross examined Mr. Rivers. He testified that they were stopped at approximately 2:00 o'clock a.m, he got his license and his registration ready. When he got out of the car he saw two guns pointed at them. They were made stand by the car and frisked. At the time they were stopped he was driving, Miss Spaulding was in the middle and Mr. Creech on the passenger side of the car. He got out the drivers side and the other two got out the passenger side of the car. They were at the scene of the arrest about 15 minutes. They were advised of their rights at the police station at Glens Ferry several times. He was asked if he was present when Miss Spaulding and Mr. Creech was given their rights? He said that he didn't remember. He was asked if the police found any drugs in his car?

The court said that this matter would be taken up outside the presence of the jury.

Jury admonished and excused.

The court advised the witness that he was protected by self incrimination.

The defendant said that he declined to answer this question.

Mr. Robinson said that if he wants the fifth amendment right must state in front of the jury.

Approved:

J. Ray Durtschi
Judge

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He said that he went to the Sheriffs office and reported a couple, on Nov. 6, 1974, after he had heard that a car was towed in and that a couple of murders had been reported. He asked if the car was a "55 or"56 Buick? After thinking about it he called and agve a description to Mr. Maxwell. He later went to look at the car with Sheriff Lynskey, and was sure that it was the same car he had seen near Lewiston.

Mr. Robinson cross examined Mr. Kelley regarding his trip to Lewiston, Idaho on Nov. 3, 1974. He said that he was towing a car up to the top of Lewiston hill. He left Cascade, Ida. around noon for Lewiston. He went a couple miles past junction 95 when he saw the car for the first time near the Indian Mission, he said that he is interested in cars and he noticed this one and the people standing beside the car, by the road. He noticed the girs in the long blue coat and her long blond hair, the man had chin whiskers and shoulder length hair. He described the route he took back from the top of Lewiston hill. He went by way of Kamiah and stopped there at his sons in-laws for cofee, approximately 8:00 p.m., staying there about one-half hour, on to Kooskia on to Grangeville, joining up with U. S. 95 there, using #95 to New Meadows. The second time he saw the Buick was around Slate Creek, below Whitebird Hill, this was around 10:-0 o'clock p.m, he didn't see the passengers at this time, as it was dark. The next time was down the Canyon on #55 near Cougar Mountain Lodge. He was asked if any other indivuals around the car? He answered no. He said that he noticed that it had out of state license plates, and that he had saw a plywood substitute for a window, he had thought at first that it was a blanket hanging in the window, but later discovered it was a piece of plywood.

Mr. Remaklus questioned him regarding the window.

There was no further questions of this wintess.

It was stipulated that he be excused.

Jury admonished and excused.

Recess at 4:50 p.m..

SIXTH DAY

Oct. 11, 1975
9:30 a.m.
Present as before
One Hundred Ninety Sixth Day

The jury was returned and it was stipulated all were present.

John Lee Stewart, Grangeville, Idaho, was called, sworn and direct examined by Mr. Remaklus. He said that he is eighteen years of age, and works part time at Mitchell Texaco Station, and was so employed in Nov 3, 1974. He said that the auto pictured in exhibit 28A was the car that came into the service station on Nov. 3, 1974. They came into the station two times, the first time they wanted to know if he wanted to buy a battery charger, and he told him that he had no money to buy one, so they left. The next time they came in and brought some gas. There was three persons in the car, and he described them, saying that the defendant was one of them. He said that it was about 7:30 p.m., and he remembered this as it was about closing time. He said that there were beer cans and a sleeping bag in the back of the car.

Mr. Robinson cross examined J. L. Stewart regarding the people in the car.

Mr. Remaklus re-direct examined the witness regarding the defendant, and how he is sure he recognized him at this time.

It was stipulated the witness could be excused.

Approved:

J. Ray Durtschi
District Judge.

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Anne Bradley, Boise, Idaho, was called, sworn and direct examined by Mr. Remaklus. She said that she is a criminolist with the Idaho State Department of Health and Welfare. She gave her educational back ground and what her duties consisted of. She was so employed in 1974. She conducted tests on objects in connection with this case. These objects she got from Mr. Bud Mason. She said that the envelpe that she received from Mr. Mason has been in her custody at all times.

State's Exhibit 53 (Plastic evnelope containing dried blood - group A) marked, identified, offered and admitted.
State's Exhibit 54 (piece of cardboard) marked, identified, offered and admitted.

Mr. Robinson cross examined Miss Bradley. She said that she had no other knowledge of exhibit No. 53 and 53 except her examination.
Plaintiff's Exhibit 53A (envelope marked #2) marked, identified, offered and admitted.
Plaintiff's Exhibit 54A (envelope marked #1) marked, identified, offered and admitted.

Mr. Robinson re-cross examined. Miss Bradley advised him as to which writing on envelope #1 and #2 were here.

It was stipulated that the witness be excused.
Jury admonished.
Court recessed 10:01 a.m.
Court reconvened 10:14 a.m.
Jury was returned and it was stipulated all present.

Carol Spaulding, called, sworn and direce examined by Mr. Remaklus. She said she is 18 years of age, and is in the Nevada State Prison, and has been since May 1975, before that was in the Idaho State Penitentiary. She said that she is acquainted with the defendant, she met in Fresno, Calif., in Spet. 1974. after she met the defendant in Calif., she traveled with him for some time, first to Clarkston, Wn, then to Kentucky and then back to Lewiston, Idaho. They arrived in Lewiston, Idaho on or about Oct. 30, 1974. They stayed at a hotel there and at her mothers place (Martha Spaulding, 2408 8th Ave, Lewiston, Idaho) The defendant was with her at her mothers place. She said that they were there approximately one week. Earley on Nov. 3, 1974 they were at her mothers. She left there with the defendant and started hitch-hiking to Boise.

The witness at this time requested the court to appoint an attorney to represent her in this matter.

The jury asked to leave the court room at this time. They were admonished by the court.

The court questioned the witness as to why she wanted an attorney. She said that she might say something that would incriminate herself. She is without funds with which to employ an attorney, but feels that she should have one to represent her.

Mr. Remaklus said that Miss Spaulding is not charged here and is not a suspect.

Mr. Robinson said that he feels that Miss Spaulding should have counsel.

The court said that the only way that the witness would need legal counsel is if she could incriminate herself by her testimony.

Mr. Robinson said that he felt that Miss Spaulding-- Spaulding should have counsel because of her total involvment. The witness has previously been convicted as an assesory in this case.

Mr. Remaklus stated that this is true.

Approved: J. Ray Durtschi
District Judge

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Miss Spaulding has been in the Idaho State Penitentiary and also the Nevada Penitentiary on this conviction. Under 18-301 I.C. this would prohit a second prosecution for same cause, but could be possibility of a second offense involved.

Mr. Robinson made a statement to the court, he said that many things might come to light in this case and feels that Miss Spaulding should be represented by counsel.

The court said that he could see no need to answer any questions on any out of State involvment.

Mr. Robinson stated that he is sure that the court is aware of the intent of the defense, that the material covered in the polygraph report and the basis of defense is that the defendant did not commit the murders in Idaho.

The court said that he is not in agreement of this in the case. He said that he would appoint a local attorney to represent Miss Spaulding, but does not want a delay in this trial.

Mr. Remaklus said that he has other witnesses that he can go ahead with at this time.

The court said that he would allow Miss Spaulding to be withdrawn as a witness and would appoint counsel to represent her. The only issue of concern here is self incrimination and the only issue to be consulted on.

The jury was returned and it was stipulated that all were present.

The court informed the jurors that he was allowing Miss Spaulding to withdrawn as a witness temporarily.

William Sherman Hill, Glens Ferry, Idaho was called, sworn and direct examined by Mr. Thomas. He said that he has been a city police officer for three years and was so employed on Nov. 8, 1974. He gave his education and back ground expierence. He said that he first came in contact with the defendant on Nov. 8, 1974, at approximately 2:00 a.m. in the morning. He had stopped at Hanson Cafe for coffee break and observed two subjects as they came into the cafe. He described the two people, identifing Miss Spaulding as one and Mr. Rivers as the other, he said that he had received a description earlier from Valley County, Idaho and one of the descriptions fit Miss Spaulding. He was examined on States Exhibit 24 as the maxi coat Miss Spaulding was wearing. He said that he went and phoned the Elmore County Sheriffs office for a back up unit. He was notified that there was no available units, and no State unit available so he called officer Menzik at his home and advised him of the situation. He said that he observed the suspects leaving town, headed east, he left the cafe and met Officer Menzik at a gas station, and they went in pursuat of the Rivers vehicle. They put on the light and the Rivers car stopped, he said that this car had Maryland plates on it andhe called in for a check on it. Both he and Officer Menzik got out of the car with guns drawn. They checked out the subjects in the car, making a pat search of each individual. He asked them for identification. Miss Spaulding said that she didn't have any, the defendant, Creech gave a drivers license, bearing the name of John Carl Adams. He said that Officer Menzik advised the three suspects that they were under arrest for murder, they were taken to the patrol car and advised of their rights, and each of the three were asked if they understood their rights and each answered in the affirmative. He explained the circumstances to Mr. Rivers. Officer Menzik asked Mr. Rivers for permission to look in his car and was given permission. He went to the car and came back with a black purse, and asked who it belonged to. No one answered. It was opened and on top was a gun and holster.

Approved:

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_____ Judge

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States exhibit No. 22 was examined and he said that he felt it was the same gun found in the purse. He said that Officer Menzik held up the purse so all three could see the gun, but there was no one who acknowledged it. He put the purse back in front of the defendants and made another pat search of the three. Officer Menzik asked Mr. Rivers for permission to drive his car into town. They radioed Elmore County for Officer Freeman to meet them for further investigation of this matter. The three persons were put in the patrol car and taken into the police station. They were taken into the station along with the purse that had been found in the Rivers car. He noticed that the ID given by the defendant, Creech was not his so advised Mr. Creech of this, Mr. Creech advised him that his name was Tommy Turner, so he contacted Elmore County to make check on this. Officer Menzik removed the clip from the gun and one shell from the chamber, had the subjects empy their pockets. Defendant Creech had more identification for a Joe Carl Adams, and he was asked about this, he also had four more 22 shells.

Officer Freeman arrived and he was given any information that they had. Officer Freeman again advised the three suspects of their rights, they were handed forms to sign that they understood these rights and they were signed by the suspects. A form was handed Mr. Rivers for consent to search his car, this was signed and Officer Menzik went out and made a search of the car. He found a blue coat that belonged to the defendant Creech. This was observed, along with a levi jacket of Creech and some stains, that were believed to be blood stains were found on both of the jackets. State's Exhibit #47 was identified as the two jackets mentioned by Mr. Hill. He said that the purse was checked and a pair of levis a tee shirt were taken out by officer Freeman.

The three suspects were then transported to Mountain Home for further investigation. He said that Miss Spaulding and Mr. Creech were taken in the back seat of police vehicle. Mr. Rivers rode with him in the Rivers car. When they arrived at Mountain Home a matron did a complete search of Miss Spaulding. They were met at Mountain Home by Officers Maxwell and Woodall.

Jury was admonished, and excused.
Court recessed 11:17 o'clock a.m.
Court reconvened 11:30 a.m.
Jurys returned and it was stipulated all were present.

Mr. Thomas continued to direct examine Mr. Hill regarding the items taken from the purse of Miss Spaulding, the pistol, holster, tee shirt, levis 2 boxes of shells and part of a package of Kool cigarettes.

State's Exhibit No. 55(Waiver of rights) marked and identified
State's Exhibit No. 56 (copy of statement, beginning with page 2) marked and identified.

He said that while the defendant Creech was giving his statment he appeared normal, maybe a little nervouse, but not under theinfluence of any drug or anything.

Mr. Robinson cross examined Mr. Hill regarding his written report of this arrest. He said that the report was written over the next two days after the arrest of the parties on Nov. 8, 1974. He stated that the suspects were arrested approximately 2:45 a.m. arriving at the Glens Ferry plice station at approximately 3:00 a.m. they were ther until about 4:15 a.m. then went to Mountain Home, Idaho, arriving there at about 4:45 a.m.. They went directly to the commissioners room with all three of the suspects and the confiscated property, and remained there with Mr Menzik until Miss Spauding was taken from the room and Mr. Creech was

Approved:

J. Ray Durtschi
District Judge

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there with Officer Freeman and was examined for about 15 or 20 minutes. He was taken down stairs and Miss Spaulding was brought in and was questioned for approximately 20 or 30 minutes. Miss Spaulding was taken back down stairs and Mr. Creech was brought back to the room. This was approximately 7:00 o'clock a.m.. Mr. Creech was questioned this time for about 30 minutes, present at this time was the defendant, Creech, Mr. Winters, Mr. Freeman and himself. The defendant was then taken down stairs and a complete search was made and he was put in coveralls. Miss Spaulding was taken back up stairs for search by matron. The Mr. Rivers was questioned for approximately 20 to 30 minutes by Mr. Freeman. Mr. Rivers gave a written statement to Officer Freeman.

They then went out for breakfast, this was approximately 9:00 a.m. The defendant Creech and Miss Spauling were in cells at the plice station. About 10:30 they went back to the jury room, whrre all the items were held and more questioning of Miss Spaulding. He was present during this session, He described the actions of Miss Spaulding, she was very unruly and used much profanity during the conversation.

He said that he has been a police officer for about three years and has had the opportunity to see people that have been on drugs. He was asked if he felt that Miss Spaulding was acting normal? He answered that she wasn't behaving normally in this situation, but when she was at the pplice station at Glens Ferry she acted only as if she was scared, but once at Mountain Home begain using all kinds of foul language. He said that the questioning of Miss Spaulding this time ended about 11:00 a.m. She was then taken back to her cell and he did not see her again.

He said that he was present when Mr. Creech was brought back at approximately 2:00 p.m. that day.

He was asked if the actions of Miss Spaulding here today were the same as on Nov. 1974? He said that here actions were similar but that her language was not the same.

Defendant's Exhibit H (Hill report) marked, identified, offered

Mr. Thoms questioned the witness on voir dire, objected to the exhibit H.

Mr. Robinson continued examination of Mr. Hill regarding page 8 and 9 of the report regarding the statement of Miss Spaulding that Mr. Creech has said that a pocket knife had been held to his throat? Officer Hill said that Mr. Creech did not say this by that Miss Spaulding had made this remark.

He was asked if there was anyother incorrect statements in the report? He said that there were not tohis knowledge.

Defendant's Exhibit H was re-offered and admitted.

Jury was admonished and excused for lunch.

Court recessed 12:05 p.m.

Court reconvened 1:30 p.m.

Jury was returned and it was stipulated all were present.

Mr. Robinson continued cross examination of Mr. Hill. He said that he was not present during all the examinations of Mr. Creech. He said that at the questioning at 2:00 p.m. that afternoon he was not present at all times. He thought that Mr. Maxwell and Mr. Woodall were there. This session lasted about 2 hours. He was asked what type of questions were asked in the early hours at Mountain Home? He said that it was generally where he had been before his arrest, route of travel and that had occured at Boise and Lewiston. He said that Mr. Creech had said that their transportation had been hitch hiking and he had been with Miss

Approved:

J. Ray Durtschi
Judge

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Spaulding as a companion. He said that Creech didn't remember any dates or who he got rides with. He was being questioned under the name of Tommy Turner at the beginning, but by the time they started questioning Miss Spaulding they knew that his name was Thomas Creech, he said that he does not know how this identification was learned, but by 2:00 p.m. they knew that the one suspects name was Thomas Creech. He said that they also questioned Miss Apaulding as to where they had been prior to the arrest and the method of travel and the route. He said that there was a diffent route of travel given by Miss Spaulding than of Creech. He siad that Creech said that they left Lewiston, Idaho and went out of the State through Oregon, but that Miss Spaulding said that they came through Idaho on highway #55 by Grangeville, New Meadows and McCall.

He was asked about a written statement by Miss Spaulding. He said that he did not know anything about this.

He said that the statement of Mr. Creech between 2:00 p.m. and 4:00 p.m. was questioning by Mr. Woodall, and Mr. Creech answered these questions and Mr. Woodall wrote these down. He said that Officer Woodall couldn't keep up with all the writing sometimes and these things were repeated. He said that the answeres were freely given by Mr. Creech during this period. After the questioning was finished, Mr. Woodall and Mr. Creech went over the written statement and made corrections and these corrections were initialed by Mr. Creech and statement was signed at bottom of each page by the defendant. After this time the defendant, Creech was taken back to his cell.

He said that he helped load some of the evidence then went back to Glens Ferry. He did not know if Miss Spaulding was questioned after 4:00 p.m. or not. He was not present in the room at the time that the defendant stated that "He needed help", but had been told that he had said this. He said that he was not present in the room when the first page of the statment was taken from the defendant Creech, but was there when it was signed. He said that the printing was done by Mr. Woodall.

There was no re direct by Mr. Thomas.

Witness was excused.

George M. Menzik, Glens Ferry, Idaho was called, sworn and direct examined by Mr. Remaklus. He said that he is a police officer for Sheriffs Office in Elmore County. That on Nov. 8, 1974 he was a police officer for Glens Ferry, Idaho. He was called from his home by Officer Hill to assist him in the arrest of three persons on Nov. 8, 1974. He told how he met Officer Hill and they went in pursuat of a car going down first street, that they stopped them on the highway corner, by turning on the police car lights. The car was an Oldsmobile, white top and dark bottom. He said that he got out of the car, he was holding a loaded shot gun, he was using the door as a shield as he got out of the car. He said that the driver, Mr. Rivers got out of the car and he had him place hands on head and then had him lean against the car with his hands on top of the Rivers car. Mr. Rivers was pointed out in the court room as having testified here before. He said that Carol Spaulding got out and she was placed with hands on top of River car, then the defendant Creech got out. Mr. Creech was pointed out by the witness. Record will show that the witness indicated Mr. Creech, defendant at this trial. He said that Officer Hill made a pat search of the three suspects. He said that the defendant Creech was dressed in levi jacket, gray shirt and pants. Miss Spaulding had on a long dark maxi coat with a hood. He said that the three suspects were placed in the back of the patrol car, this back seat is separated from the front seat by screen. He and Hill got in the front seat. Officer Hill got on the radio to run some check[illegible]

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on suspects. Officer Hill read the Miranda warning to the three suspects. He said that he then asked Mr. Rivers if he could look in his car and was told that he could. On the front seat on the floor he found a black hand bag. He asked who it belonged to, but received no answer, except that Mr. Rivers said that it was not his. He opened the bag and on the top was a pistol. No one would say who this belonged to. Another pat search was made of the three people. He said that he handcuffed the defendant, Creech to Miss Spaulding and put them in the patrol car.

He was asked if any of the three persons responded when given their rights, and then asked if they understood them? He said that all three answered yes, and that they understood the rights given to them.

He then asked Mr. Rivers if he could drive his car into town and he said that Mr. Rivers hesitated, but then told him to go ahead, so the three suspects were taken by patrol car, by Officer Hill to the Glens Ferry Police Station, and he followed them in the Rivers car. They arrived at the police station about 2:45 a.m.. The three were taken into the station and he noticed the identification given to Officer Hill by Creech on the table and that the picture was not Creech, and this identification was for a Joe Carl Adams. He got a consent from Mr. Rivers to search his car, this consent was in writing.

Officer Freeman arrived about 3:40 a.m.. He also gave the miranda rights to the three suspects and had them sign a form that they understood these rights and had waived the right to have an attorney present.

He said that he went out to search Rivers car and found a pillow, sleeping bag, a coat(a peacoat type). He examined Exhibit #47 and said that this was the jacket, also marked Q31. He examined a levi jacket #Q30 and said that this was the jacket that Creech was wearing when arrested. He examined Exhibit #25 and said that this was the black bag taken from the Rivers car. Said that exhibits 22 and 23 looked like the gun and holster taken from the black bag. He said that he removed the clip and a shell from the chamber of this gun.
Exhibit No. 25A he said were two boxes of 22 shells taken from purse at the police station.

He said that he had a conversation with Mr. Rivers. He said that he was approached at a rest stop by Carol Spaulding and asked him if she and her boy friend could sit in the car out of cold. He said in talking that he learned they were all headed basically the same direction, so he offered them a ride. They stopped at Glens Ferry for a cup of coffee, just he and Carol Spaulding got out of the car, for coffee.

He said that he and Officer Freeman took Carol Spaulding and Mr. Creech to Mountain Home. That the two suspects were in the back seat of the car and they did talk among themselves, but that he couldn't over hear any of the conversation. He told what happened when they reach Mountain Home. He said that when they reached Mountain Home, Mr. Creech was taken upstairs at the Sheriff office to a conference room, and Miss Spaulding and Mr. Rivers were taken downstairs. At that time the defendant, Creech was referred to as Tommy Turner, as after noticing the ID at Glens Ferry was not his, he gave them the name Tommy Turner, his name of Creech was not learned until later in the day.

He said that after helping transport the three suspects to Mountain Home, he stayed there until approximately 10:00 a.m. and returned to Glens Ferry.

He explained the appearance and actions of the defendant when he was stopped. He said that he was quiet and spoke low and answered all questions.

Approved:

J. Ray Durtschi
District Judge

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At the Glens Ferry Police Station he appeared normal, a little nervous, his hair was messed up and eyes were blood shot. At both Glens Ferry and Mountain Home he sat still and answered the questions put to him. On the way to Mountain Home he and Miss Spaulding carried on a conversation, but he did not hear any of it. He said that he did not give any of the miranda warnings but witnessed both Mr Hill and Mr. Freeman when they did. At each time all three of the suspects said that they understood the warning and waived the rights, also saw them sign the waiver of rights.

Mr. Remaklus removed State's Exhibit No. 2.

State's Exhibit No. 57 (Notification of Rights Form, signed Tom Turner) marked, identified, offered and admitted.

State's Exhibit 57 read into the records by Mr. Remaklus.

Jury admonished

Court recessed 2:37 o'clock p.m.

Court reconvened 2:48 o'clock p.m.

The court said that the records here will show that Exhibit #2 from the Suppression hearing is marked in ~~it~~ this trial #57.

It was stipulated between counsel that Mr. Walker could be excused.

Mr. Maxwell had to return to Cascade, Idaho and will return into court again on Wednesday.

Jurors were returned and it was stipulated all were present.

Mr. Robinson cross examined Mr. Menzik as to the conduct of the defendant and Miss Spaulding when arrested. He stated both were normal acting, maybe a little nervouse. He said that the defendant, Creech and Miss Spaulding talked on the way to Mountain Home, but he couldn't hear what they said.

He related what happened when they arrived at Mountain Home. He said that at Mountain Home, Miss Spaulding three a temper tantrum, calling everone names, because she wanted a cigarette, and wasn't given one. He said that he returned to Glens Ferry around 10:00 a.m. and had no further contact with this matter until Oct. 3, 1975

No further questions.

It was stipulated that this witness could be excused.

Jack Freeman, Mountain Home, Idaho was called, sworn and direct examined by Mr. Remaklus. He said that he is a dective for Elmore County, and has been for past four years. He related his training and expierences. He was so employed on Nov. 8, 1974 and living in Mountain Home. He was called to Glens Ferry on Nov. 8, 1974 at approximately 3:10 a.m., to assist the Glens Ferry Police. He arrived there about 3:40 a.m. and went to the City Police Station, Officer Menzik and Officer Hill, defendant, Creech and a Carol Spaulding and Mr. Rivers were there. He pointed out the defendant, Thomas Creech as one of the parties at Glens Ferry that night. He was briefed to the situation by Mr. Hill. The three suspects were present. He was shown the drivers license given by the defendant in the name of Joe Carl Adams, which was not the defendants. He viewed the pistol, bag and other items taken from the defendants car or person. He wanted to question the suspects so he gave them their rights. He identified the exhibit #57, as the one signed that night, defendant signed as Tom Turner. He told how the rights were given, that they were signed and witnessed. He said that a right to search was also signed at that time. After that he talked to Officer Maxwell on the phone, checked the clothing for stains, he identified these pieces of clothing as ex. 24 coat, ex. 25, purse, 30 jacket, 31 jacket, 25 trousers.

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State's Exhibit #58 (copy of inventory) marked and admitted.
He said that all the items mentioned on exhibit 58 were gathered by him and turned over to Jim Maxwell, except the two boxes of 22 shells.
He examined exhibit 25A, 22 and 23, he said that there are some items on exhibit 58 that have not yet been mentioned in this trial. He said that the bag of Miss Spauldings was delivered to Jim Maxwell, with all the contents in it.

After giving the suspects there rights at Glens Ferry he questioned the defendant why he used the name Tom Turner, where he lived. He also asked Mr. Rivers as to his residence.

The three suspects were then transported to Mountain Home, he was in the car with Mr. Creech and Miss Spaulding. Mr. Rivers rode in his car with Mr. Hill. He said on the rife to Mountain Home that the defendant and Miss Spaulding carried on a normal conversation, but he could not hear what they said. He said that they arrived at Mountain Home approximately 5:00 a.m., the items taken from the suspects were in the trunk of the car. The three suspects were taken into the courthouse and the items in the car trunk. Mr. Creech was taken to the first floow for questioning, along with the items taken. Mr. Rivers and Miss Spaulding were taken downstairs. He talked with Mr. Creech, Mr. Hill was present at this time.

Jury excused at this time and admonished by the court.

The court said that he would like a brief summary what this statment of Mr. Creech consisted of by this witness.

Mr. Remaklus said that this statement was marked Exhibit D at the Suppression Hearing on Oct. 3, 1975. That this statement concerned where defendant had been.

The court asked Mr. Robinson if he agreed to this report.

Mr. Robinson said that this was okay, paragraphs not testified to on Oct. 3, 1975 not to be given, but fully expexts that this entire report will be admitted later.

The court said that this will be ruledbun at a later date.

Court recessed 3:55 o'clock p.m.

Court reconvened 4:10 o'clock p.m.

The court suggested that any further foundation for the statement by Mr. Freeman would be the same issues given on Oct. 3, 1975, if the court could consider the testimony given at that time on this issue.

It was so stipulated.

Mr. Remaklus continued to examine Mr. Freeman and he said that the basic questioning in Mountain Home was pertaining to where he had been that week of Nov. 8, 1974 and the rides that Mr. Creech had obtained and with who if he knew. He said that he was not present during the questioning of Mr. Creech in the afternoon at Mountain Home. He didn't see him again until they were preparing to transport Mr. Creech back to Valley County.

Mr. Robinson objected to any statement that was in the Motion to Suppress Hearing Oct. 3, 1975.

The court said that it can consider this issue in the Motion to Suppress, and the exhibit #55, this statement is confidential it was voluntarily made after the defendant was given his rights, that page 1 of ex. 55 and page 2 of ex. 56 still contain objectional material. He said that he didn't want this exhibit to go to the jury until it had been taken out, and does not want this read into the record in its entirity now.

Jury was returned and it was stipulated all was present.

Mr. Remaklus continued to examine Mr. Freeman regarding the conversation at Mountain Home and was was told him in Glens Ferry. He said that Mr. Creech said that he had been in Spokane, Wn the Monday before, and hitch hiked to

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Boise, Idaho, going by way of Oregon. He stayed in Boise, Idaho with friends.

He said that the actions of defendant at Glens Ferry were normal, he was nervous, as people are who have been arrested, eyes were blood shot, he did not talk alot, but answered any questions put to him, these actions were the same on the ride to Mountain Home, he and Miss Spaulding talked quietly in the back of the patrol car, no loud noises, it was dark so he couldn't see any facial features. When he saw the defendant at Mountain Home he appeared to be a little more nervouse but actions were the same.

Mr. Robinson cross examined Mr. Freeman. He said that he had a conversation with both the defendant, Creech and Miss Spaulding and this was early in the morning hours, also had a short talk with the defendant at Mountain Home before he went to breakfast with Sheriff Winters, Mr. Rivers, Officer Menzik and Mr. Hill, shortly after that he return to courthouse and had about an hour session with Carol Spaulding, present at this hearing was Mr. Woodall, Mr. Maxwell and Mr. Hill was present part of the time. He said that he reduced this talk and the days happenings to a report on the following morning, Nov. 9, 1974.

Mr. Robinson said that he was finished with his cross examination, but asked that this witness remain for call on defendants case.

Mr. Remaklus said that his next witness would take considerable time and asked the court if it wanted to recess at this time.

The court said that they would proceed now.

Wesley Woodall, Post Falls, Idaho, called, sworn and direct examined by Mr. Remaklus. He said that he is an Investigator for State of Idaho, Dept of Law Enforcement and has been for two years. He gave his expierence and education in this work. He said that his duty for the State was to enforce the liquor laws and to aid and assist any criminal investigation when his help was requested. On Nov. 5, 1974 he was employed in the area arcound Cascade, Idaho. He was called, to help Sheriff Lenskey in a homicide investigation. He went to highway #55, 1 mile south of Donnelly, Idaho, he arrived there about 8:30 p.m., at the scene was Mr. Maxwell, Sheriff Lenskey, and the coroner and Mr. Remaklus. He said that there was an area roped off on the west side of the highway, the car lights of the Sheriff's car was on pointed at a barrow pit. He looked in this barrow pit and there was a sleeping bag and a blanket, under each of these were bodies of two male victims

Plaintiff's Exhibit 1A (Photo) marked and identified.
Plaintiff's Exhibit 1B (Photo) marked and identified.
Plaintiff's Exhibit 1C (Photo) marked and identified.
Plaintiff's Exhibit 1G (Photo) marked and identified.
Plaintiff's Exhibit 1J (Photo) marked and identified.

After his arrival at the scene he inspected the bodies and gathered items that he believed to be evidence, he put these items in plastic bags and marked these. He helped to make a sketch of the area.

Exhibit 3 (sketched area at scene of crime) marked and identified.
Exhibit 3A (enlarged sketch of ex. 3) marked and identified.

Mr. Woodall said that the weather that night was cold and overcast. He left the area between 11:00 o'clock and midnight.

Items gathered at the scene of the accident was piece of plastic, large piece of asphalt. He went back to the scene of accident the next morning, the area was the same as it had been guarded all night, he took more photos and picked up other articles.

Plaintiff's Exhibit 1M (photo) marked and identified.
Plaintiff's Exhibit 1L (photo) marked and identified.

Deputy Maxwell went with him in the morning they spent about one hour there

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then went on to Donnelly, Idaho to interview some people there. The next two days were spent interviewing people in McCall, New Meadows and Donnelly. Exhibit 28 and Exhibit 28A (photos of car) were identified. He said that he also went to an area south of Cascade where he recovered some papers from a river bank, this was close to mile post 94. On Nov. 8, 1974 he went to Mountain Home.

Jury admonished.

The court explained that there would be a two day recess as the next two days, Sunday and Monday (which is a holiday) is non judicial days and the courts are not allowed to operate.

Court recessed 4:58 p.m.

SEVENTH DAY

Oct. 14, 1975
One Hundred Ninety Seventh Day
9:07 o'clock a.m.
Present as before

The court said that Miss Spaulding had claimed immunity and requested that the court appoint an attorney to represent her, and the court has appointed Mr. Boyd. Mr. Boyd is present in court at this time with Miss Spaulding. This requires that the State state what testimony that they plan to ask of Miss Spauldin g so Mr. Boyd can be advised.

Mr. Remaklus said that he had provided Mr. Boyd with a taped interview at the State Penitentiary at Boise , by Jim Maxwell, as well as to a hearing he and Mr. Thomas had with Miss Spaulding at the Nevada State Penitentiary, also to the transcript of the plea of Guilty by Miss Spaulding, to the charge that she is in prison for at this time. This is the area that will be questioned.

The court asked the amount of testimony that the state is going to take?

Mr. Remaklus siad that he will go over this as soon as he gets the transcript.

Mr. Boyd said that he has received the transcript. It is the position of Miss Spaulding that she is entitled to the priviledge of self incrimination. If this transcript is any indication they take the position that this is privledged, and he is prepared to make a showing as to this.

The court said that it meant to limit them to the scope of the testimony, it is the position of the witness to make a showing and so doing that they can't incriminate themself, but they must make a showing.

Mr. Boyd said that he intended to make a showing through oral argumsnt to the court. He understands that the court has been furnished this information thru a pre trial memorandum

He alleges that the witness traveled with the defendant to Glens Ferry. That they obtained gas without paying for it, regarding the stolen battery charger, the series of events at Glens Ferry, and Lewiston, of a robbery of a 7-11 store, does not want to testify as there is enough facts that the State might bring charges for either a misdemeanor or a felony, if it is possible Carol Spaulding claims the privledge to any series of events that can link her to the crimes of the defendant, Thomas Creech. Carol Spaulding has entered a plea of Guilty to the crime of Accessory. but does not want to put herself in the position of double jeopardy, they can't take the chance that the Idaho Supreme Court is not the controlling law.

The court said that the question on the last point referring that she may be an accessory after the fact, not the principal, she may still be prosecuted for this.

Mr. Boyd said that the court is entitled to take this in to account.

Approved:

J. Ray Durtschi, Judge

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Mr. Robinson stated that he intends to show various crimes against United States.

The court said that assuming this situation developes he wants to hear Mr. Boyds position if Mr. Robinson intends to call Miss Spaulding for a defense witness.

Mr. Boyd said that they will claim the privledge against self-incrimination.

Mr. Robinson said that he did contact Mr. Boyd and told him that he would make his entire file open for him to look at, they made a tentative appointment but Mr. Boyd has not made himself available as yet. He does intend to call Carol Spaulding as a defense witness.

Mr. Thomas made statement to the court he said that they plan to limit their direct examination to the two murders near Donnelly, Idaho and the arrest at Glens Ferry. The witness is not limited to testimony she has already testified to, so not entitled to the privledge and cannot incriminate herself, she has already testified to the information sought.

The court said that the privledge tends not only direct information for incrimination but information that might lead to the incrimination of witness. If she is placed directly at the crime this could be incriminating, couldn't it?

Mr. Thomas made a statment to the court the court knows what the previous testimony was so can fortell what the testimony here will be. She can't be compelled to reveal testimony. Mr. Thomas said that the position here might be that once she has given this testimony and layed out the facts, these facts having been stated under oath that she was not involved in these crimes that this would have taken care of this.

The court said that testimony given under oath does not constitute a waiver.

Mr. Boyd asked if it was the contention of the State that there was some sort of waiver in former testimony. He said that he has not seen the transcript so is not prepared to argue this at this hearing. It is his understanding that former testimony is not a waiver.

The court said that the Guilty plea to Accessory considered a waiver there. He will sustain the privledge unless the State is prepared to grant immunity.

Mr. Thomas said that he would like to order Miss Spaulding to testify under the grant of immunity

Mr. Boyd asked if the State was proceeding under 1114 or 1115?

The court said that if Miss Spaulding was in agreement they would proceed under 1114.

Mr. Boyd said that there was no agreement with the State on behalf of his client so would be proceeding under 1115.

Mr. Thomas agreed that this was correct.

The court said that he would like to get the waiver question resolved before proceeding.

Mr. Boyd said that he would like to see the transcript first.

The court asked when this would be?

Mr. Thomas said that withing the next couple days.

Mr. Boyd said that he can be prepared as far as briefing today.

The court said that he didn't need a transcript for briefing so can come in after evening recess tonight.

Mr. Boyd agreed to this.

The court stated that if it is determined as a matter of law this has been waiver, this would conclude the matter, if not the State could make an agreement for immunity, so the court sees no reason why this should not be granted, and the court would order her to testify as far as

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the court can tell, Miss Spaulding will be required to testify.
Jury returned and it was stipulated all present.

Mr. Remaklus continued to direct examine Mr. Woodall. He said that he went to Mountain Home on Nov. 8, 1974 with Jim Maxwell, arriving about 8:30 a.m., they stopped for breakfast then went to the Sheriffs office in Elmore County, present was Mr. Maxwell, Mr. Freeman, Mr. Hill and Sheriff Winters. He was taken upstairs in the Sheriffs office to the County Commissioners room where the items taken from the three suspects were, he examined these things. He also interviewed Carol Spaulding in this room. He was examined on Exhibits 22 and 23 the gun and holster, ex. 24 coat, ex. 25, black bag, ex. 25A two boxes of shells, Ex. 41 10 shells, Q30 levi jacket of Mr. Creech, Q 31 a blue coat, these items were identified by Mr. Woodall.

The record will show that Q30, Q31, Q25 are all part of trial ex. 47, along with the following items.
Q28 gray shirt, identified.
Q25 gray trousers, identified
Q32 and Q33 socks, identified
Q26 and Q27 2 shoes, identified
Q29 Belt, identified.
He said that after he checked the physical evidence he interviewed Miss Spaulding, present at this interview was himself, Carol Spaulding, Mr. Hill part of the time and Mr. Freeman part of the time and Mr. Maxwell. During this questioning Miss Spaulding related direction of travel and places they stayed and incidents that happened. He said that this interview was about 10:00 a.m. on Nov. 8, 1974, he said that he had no other conversation up to that time or the rest of the day. He said that Miss Spaulding told him she came from Lewiston and they had gotten a ride with two men, going through Grangeville, down the highway to McCall, she was with the defendant, She said that Tom (deft) shot those guys, she ran from the car and he told her to come back or he would shoot her too. She identified the car as one she and Tom had gotten a ride in. She referred to the place where Tom shot the 2 guys and put the bodies in a ditch, they got in the car and proceeded towards Boise, the car ran out of gas. They slept in the car for awhile and then tried to push the car in the river. They went on to Boise for two days after that. She said that they had stayed with some man in Boise, when they left they got a ride.

After the interview Miss Spaulding was taken down stairs to her cell. He said that he then went to lunch and awaited the arraignment proceedings for Miss Spaulding, he appeared with Miss Spaulding.

At about 1:30 p.m.he went to the police station in Mountain Home, he was with Mr. Maxwell, Mr. Hill.

Jury admonished
Court recessed 10:05 a.m.
Court reconvened 10:15 a.m.

Mr. Remaklus continued to examine Mr. Woodall. He said that he was at the cell where the defendant was and took the defendant to the office in the police station, this was about 2:00 p.m., Mr. Maxwell, Mr. Hill, the defendant and himself was present. The first thing that he did was give the miranda warning to the defendant. Mr. Woodall read the miranda warning to the jury. He asked the defendant if he understood his rights and if he wanted to talk to them. The defendant said that he understood his rights and that he was willing to talk to them.
Plaintiff's Exhibit #55 (Notification of rights, copy of statement time) identified, offered and admitted.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant

Docket No. 9701

Oct. 6, 1975
Date

(CONTINUED)

Mr. Remaklus read Exhibit #55 into the records.

After the defendant signed the waiver of rights he took the form and filled out the top of the voluntary statment (State's Exhibit #56), and started to interview, he said that at the beginning of the interview that Tom Creech said "I did it, I did it" this was a spontaneous statement. He describered the appearance of the defendant when the statement taken. At the beginning he started out asking questions, but after a time the defendant was talking so fast that he had to get him to slow down so he could write it down. He said that during this statement the defendant looked tired and was nervous, had blood shot eyes. After the statement was finished they went back to the first page made necessary corrections and had the defendant put his initals on each correction and each page was signed at the bottom by the defendant, this proceedure was carried out through out the entire seven pages of the statement. After this was finished the statement was witnessed by himself and Mr. Hill. The statement was hand printed by him, but the initials were put on by Mr. Creech.

Plaintiff's Exhibit 56 (statement) marked, identified, offered.

Mr. Robinson objected, he presented argument. This objection was basically covered in the Suppression Hearing.

The court said the exhibit would be admitted except for the objections ruled on of Mr. Robinsons, as to page 5 a portion of page 4.

Plaintiff's Exhibit #56 admitted except for deletions ordered by court. The court said that the records will show that the court just added brackets in red pen and written word "end" where statement is to stop.

Mr. Remaklus continued to question Mr. Woodall? He said in answers to questions that the printed matter at the top of pages were read to the defendant before the statement. This printed matter was read into the record along with the portion of the statement admitted by the court.

Mr. Woodall stated that after taking the statement the defendant was returned to the cell, a couple of hours later was taken before the Magistrate Court for arraignment proceedings. After that the defendant and Carol Spaulding was transported back to Valley County, by Mr. Mason, Mr. Maxwell, and himself.

He said that when the defendant appeared before the Magistrate he was read his rights again.

State's Exhibit No. 59 (copy Miranda Warning given deft.) marked, identified offered and thereafter was witdrawn and Mr. Remaklus stated that this had not been submitted to Mr. Robinson before the trial.

Mr. Robinson objected.

Mr. Remaklus withdrew his offer to withdraw.

State's Exhibit #59 Admitted.

Exhibit No. 59 read into the records.
He said that the defendant, Miss Spaulding and all the items taken were transported back in the county car.

Jury admonished.

Court recessed 11:07 a.m.

Court reconvened 11:20 p.m.

Jury returned it was stipulated all present.

Mr. Remaklus continued questioning Mr. Woodall

State's Exhibits #10, 11, 12, 13, offered and admitted.

Approved:

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO — Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH — Defendant | October 6, 1975 — Date

(CONTINUED)

Plaintiffs Exhibits #22 and #23 was offered and admitted.
Plaintiff's Exhibit #24 (Q17) was offered and admitted.
Plaintiffs Exhibit #25 was offered and admitted.
Plaintiff's Exhibit #25A was offered and admitted.
Plaintiffs Exhibit #41 was offered and admitted.
Plaintiffs Exhibit #42, #43, #44 and #45 was offered and refused.
Plaintiffs Exhibit # 46 (Q5) offered and admitted
Plaintiffs Exhibit #47 (Q25, Q26, Q27, Q28, Q29, Q30, Q31, Q32, and Q33) identified.
Plaintiffs Exhibit #48 (Q6) offered and admitted.
Plaintiffs Exhibit #60 (copy of F.B.I. report 12/3/74) marked, identified, offered and admitted.

It was stipulated between counsel for the plaintiff and counsel for the defendant that #Q17 thru Q49 may be considered part of Plaintiff's Exhibit #47.

The court said that it would be so stipulated.

Mr. Remaklus continued to question Mr. Woodall. He asked him to check Q17 thru Q35 and tell which items he had transported from Mountain Home to Cascade. Mr. Woodall said that he had transported all of them. He said that he had transported the defendant back from Mountain Home but had no further contact with him or Miss Spaulding until the trial, except a brief appearance in court at Ada County, Idaho.

Mr. Robinson cross examined Mr. Woodall regarding his activities on Nov. 8, 1974? He said that he arrived in Mountain Home about 8:30 a.m. and met with Mr. Maxwell, Mr. Freeman, Mr. Hill and Paul Rivers at the ElRancho Cafe for breakfast, these person were all law officers except Mr. Rivers. There he was given information about this case against defendant and Miss Spaulding. He first saw Miss Spaulding at the Elmore County Courthouse, where he went to look at the items collected as exhibits. He described the behaviour of Miss Spaulding at that time, as loud nasty talking and angry. He began questioning Miss Spaulding about 10:00 a.m., present at that time was Miss Spaulding, Mr. Maxwell, Mr. Hill and himself. This session lasted approximately one hour. He said that Carol Spauldings attitude during this session was belligerent, foul talking, very sullen attitude, making derogatory statements to police officers. He said that he would not consider that she was under the influence of any drugs at that time, her speech was clear and she walked without any trouble, she sat in her chair with her feet up and her head down. She was asked if she understood the questions and she would nod her head Yes. After about 5 or 10 minutes she sat up and talked to them, she told them where she lived, about her mother, that she had ran away from home and where she met the defendant, Mr. Creech. That she met Mr. Creec at a carnival in Fresno, California. She said that she had been with the defendant about 2 months. She kept asking for a cigarette, when she was refused she would get sullen. She never asked for any drugs or medical aid. She was questioned if she was on drugs and she answered that she was not.

He was asked what method of Questioning had been used before Carol Spaulding came forth with the information about the death of Bradfor and Arnold?

He said that he first made sure that Miss Spaulding understood hier rights, she was told that she could have an attorney present, and when told this she said Tom shot those guys. He said that he was not present during the entire questioning of Miss Spaulding.

He was asked if the statement of Miss Spaulding was ever reduced to writing? He said that he had not did so. That Mr. Hill had included it as part of his report.

Approved:

J. Ray Bistline
Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

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(CONTINUED)

He was asked if Miss Spaulding had been shown photographs and how she reacted if she had been. He said that she hung her head and cried some, did identify some of them.

The jury was admonished.

Court recessed 12:02 p.m..

Court reconvened 1:30 p.m..

Jury was returned and it was stipulated that all were present.

Mr. Robinson continued to cross examine Mr. Woodall as to his qualifications to investigate matters like this. He said that he has served many communities, has been on the police force and also was chief of police, he is now a detective for the Dept. of Law Enforcement for the State of Idaho., has interrigated many persons in investigations. He was asked how many of these people tell untrue stories at the time of questioning? Mr. Woodall said that some have told untrue stories, but alot of them return and tell that what they had told before was an untruth. He was asked what his opinion was regarding the statement given by Miss Spaulding? He said that the first 5 minutes of questioning of Miss Spaulding her attitude was belligerent, talking vulgar, sullen attitude, but did respond to the questioning.

He said that he can't recall any direct line of questioning to get the route of travel of Spaulding and Creeh, just asked questions, He said that he knows nothing about a written report of the statement of Carol Spaulding, other that what was in Mr. Hills report. The questioning was not taped. She said very little during the first five minutes of questioning, but then opened up and really started to talk and tell what took place. When she started to tell about the deaths of the two men she would talk then pause. He said that she and Mr. Creech had been in Lewiston with her mother, then they went toward Boise, Idaho, getting a ride with two men in a car, while with the 2 men they stopped to drink along the way. When they left Boise they got a ride with these two men, Arnold and Bradford, they drank while enroute, and one of them made advances twards her and she told Tom Creech about this. When they stopped the car for her to go to the restroom, Tom shot those two men, she started to run, but Tom Creech told her to come back or he would shoot her too, they put the men in the ditch and covered them up. They then got in the car and drove on, they stopped awhile and slept in the car for a while. They went on and the car ran out of gas, they then tried to push the car over the bank into the river, but couldn't.

Mr. Robinson asked if Miss Spaulding had mentioned the fact that one of the men had held a knife at Mr. Creech's throat?

Mr. Woodall said that she had mentioned that Wayne had knife at Toms throat.

Mr. Robinson asked if he had felt at the time that Miss Spaulding was questioned if the statement had been rehearsed?

Mr. Remaklus objected, no proper foundation.

Overruled.

Mr. Woodal said that he does not remember, but felt at the time that it might have been a made up story, but not sure that he made any statement to this effect.

He was asked if he had related to Mr. Creech, what Carol Spaulding had related in her statement? Mr. Woodall said that he had not.

He said that the voluntary statement of Mr. Creech began about 2:00 p..m.. He was asked if Mr. Creech had been questioned before the voluntary statment began? Mr. Woodall said that there were no questions before the statement was given.

Approved:

J. [illegible] Burkett
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant

Docket No. 9701

Oct. 6, 1975
Date

(CONTINUED)

He said that the first thing before any statment was taken, the defendant was given his rights. Up until this time the defendant had given no information of the circumstances. There had been no previous session with Mr. Creech, the only information he had on this matter was gathered from other officers.. He said that the officers learned the defendants identity as Thomas Eugene Creech, before that time they thought that his name was Tom Turner. The voluntary statement was taken under the name of Creech. He said that after the questioning had started the defendant, Creech broke in in a crying voice saying "I did it, I did it, I did it." He did not seem to be under the influence of any drug. His appearance at the time, was hair messed up, blood shot eyes, and his hands shook, and unkempt clothing, but he felt this was only natural under the situation and the fact that the defendant had not had any sleep for about 24 hours.

Mr. Robinson asked if the defendant had been questioned regarding any medication or drugs that he might have taken? Mr. Woodall said that he had not.

Mr. Woodall said that after the questioning started the informat- came pouring out and they had to stop him in order that they could write it down, this resulted in leaving blank spaces in the statement as they couldn't write it down fast enough. It was not necessary to rpompt the defendant at all. The voluntary statement was completed about 4:00 p.m.. This voluntary statement was gone over with the defendant after it was completed and the defendant initaled and signed each page of this statement.

Mr. Robinson asked if the story told by Mr. Creech was the same as that told by Carol Spaulding?

Mr. Woodall said that it was not the same, not exactly.

He was asked why the defendant gave the voluntary statement, or was he ever asked? Mr. Woodall said that he did not ask, he had no reason to. He said that he was in the area collecting evidence on the double murder, when the defendant gave the voluntary statement. This did not complete his investigation, he said that he interviewed many other persons taking their statements.

Mr. Robinson asked if the investigation ever continued as to determining if they had the right parties in this crime?

Mr. Woodall said that it did, he said that lab tests were made, people were interviewed, such as the young man at a service station, in Grangeville.

Mr. Robinson asked if during the investigation if he ever had information given him that there were more than 4 people in the car, in the area of New Meadows?

Mr. Woodall said that at one time that he had information about this but that it proved false, it was in connection with another car and did not concern the same people.

He was asked about the number of times that Mr. Creech said that he shot the 2 men? Mr. Woodall said that at one time he said 2 times and one time he said 3 times. He said that Mr. Creech never did say that one of the men held a knife to his throat, this statment was made by Carol Spaulding.

Mr. Robinson asked if he had questioned the defendant at any other times that the voluntary statement?

Mr. Woodall said that he had questioned him 3 or 4 times while he was in jail.

Mr.. Woodall was asked if he ever saw the defendant spaced out on drugs? He said that he had not.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
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(CONTINUED)

Mr. Remaklus questioned Mr. Woodall on re-direct. He asked him about the voluntary statement given by Mr. Creech. He said that the dash markes on the pages were when he was talking to fast to have all the information written down. Mr. Remaklus asked if there had ever been any reason to believe that the crime had been committed by someone else? Mr. Woodall said there had not.

Mr. Woodall said that Mr. Creech had told in the statement that Tom Arnold had been driving the car, Mr.. Creech was on the passenger side, Carol Spaulding was in the middle of the front seat and Mr. Bradford was in back seat.

Mr. Remaklus asked if Mr. Creech ever said where Carol Spaulding was sitting when he shot the two men?

Mr. Woodall said that he understood that Miss Spaulding was outside the car at the time.

There was no further questions at this time. Mr. Woodall is to remain in court for further questioning.

Witness excused.

William Schreiber, Lewiston, Idaho was called, sworn and direct examined by Mr. Remaklus. He stated that he is 68 years of age, and has lived lived in Lewiston area for 53 years, and has lived at 2403 eigth street for the past 15 years. Mrs Spaulding resides at this same address with her two children and he rents from Mrs. Spaulding a room. He was living at this address on Nov. 3, 1974, and was in the house during that time. Carol Spaulding and the defendant, Thomas Creech visited at that time (defendant was pointed out by witness). They were around Lewiston for 4 or 5 days, they stayed at this house for the first 2 or 3 days they were in town, Mrs. Spaulding and Cathy Spaulding was there too.

He said that he was at home on Nov. 3, 1974, but didn't remain there all the time, he usually went down town during the day. When he left the house Miss Carol Spaulding and Mr. Creech were there, but had left the house by the time he returned. He identified Plaintiffs Exhibit No. 22 as the gun that he owned, he had it for 30 years, traded a 30-30 for it and got the pistol and holster. He kept the gun and holster between his mattress and spring on his bed, in his room. He also kept a pellet gun under his mattress too, at that time he had $640.00 under his mattress just about 16 inches from the gun, but the money was under a sheet. He Noticed the gun was missing, but did not report it to the insurance company until the next moring and to the police. He did not give anyone permission to take the gun and holster. He had not seen the gun until in the court room.

Mr. Robinson cross examined Mr. Schreiber. He asked who else had been visiting in the Spaulding home, when the defendant and Carol Spaulding was there? He said that Cathy Spaulding and Mrs. Spaulding was there and some person called Dan, he didn't remember his last name, but he is now a missionary in the Morman church. He described Dan.
He was asked if Dan had ever threatened him? He answered that he had not. He stated that Dan lived in Clarkston, Wn. He was asked if any other persons were in the house at that time? He said that several person had been in and out at that time while Carol Spaulding was there. He was asked if he had ever seen Mr. Creech before that time? He said that he had not. He was asked how the defendant acted while at the Spaulding house? He said that he didn't pay much attention, but he was quite whenever he saw him. The day that the gun was gone, the only persons that he had seen in the house was the defendant, Carol Spaulding, Mrs. Spaulding and Cathy Spaulding.
He was asked if he was familiar with the [illegible] of marijuana or [illegible]

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

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that he was and that he had encountered that odor in the house, but was not there all the time.

There were no further questions or the defense.

Jury was admonished

Court recessed 2:45 p.m.

Court reconvened 2:55 p.m.

Jury was returned and it was stipulated that all were present.

Eldon C. Palmer, Boise, Idaho, was called, sworn and direct examined by Mr. Thomas. He said that he is the Sheriff of Ada County, Boise, Idaho and has been for three years. He gave his expierence and educational background. His first contact with the defendant was on Nov. 19, 1974 (defendant was pointed out by Mr. Palmer), when he was moved to Ada County for security reasons. There had been problems in the County Jail and he had been called, he observed the defendant on the floor, present was 2 other officers, the defendant was incoherent and not responding. He said that he talked to the defendant and told him to sit up and talk to him, he advised the defendant that he felt that he was faking and if he didn't come around he would put him in solitary confinement. The second time he was called by defendant, because he wanted to talk to him. He and the States Investigator went upstairs and sat down and talked to defendant. He continued meeting and taking time to talk to defendant many times while he was in his jail. He was then moved back to Cascade, Ida, back to Boise and then to Wallace, Idaho. These meetings were usually requests of the defendant, both oral and written requests. The miranda warning was given to the defendant many times when he was in the presence of the defendant.

The court asked Mr. Palmer about the substance of the conversations with defendant. He said that he felt that this should be discussed outside the presence of the jury.

Jury excused.

The court asked that a foundation be laid as to the voluntariness of the conversation, as this is his main concern.

Mr. Thomas questioned Mr. Palmer. He said that the defendant had been advised of his rights, he related just what the defendant was advised of. The defendant told him that he knew his rights, so he slacked off giving rights to defendant. On April 8, 1975 the defendant was given Miranda warning, and defendant again advised him that he knew his rights. He said that this was in a friendly manner when defendant told him he knew his rights.

On April 8, 1975, he conducted an interview, which was taped, present was Mr. Dykes, the defendant and himself. This was conducted in the detective annex, and Mr. Dykes is a detective from California. He said that the tape was reduced to written form, and this tape has been conformed to the Order of the Court and material excluded starts on page 47.

The court said that he was just concerned as to the voluntariness of the statement. He asked if an attorney had been appointed at that time, if not was he advised of his right to an attorney and to have one present during the conversation? Mr. Palmer said that he had been.

The court said that he did not have to hear the tape but would read the material. The court said that he has what has been marked as exhibit #49. He asked if Mr. Thomas wanted the entire document made a part of the record.

Mr. Thomas said that he did.

Mr. Robinson refered to top of page 47, 10 lines from the top of page. Mr. Robinson objected as to it being voluntary, when he had a attorney.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

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The court said that he is only interested at this time to know if he read the rights to defendant, he would take cognizance of what the Sheriff and defendant said in the transcript.

Mr. Palmer said the defendant was read his rights and that this is an accurate transcription of the tape.

The court said that exhibit #49 has been admitted for limited purposes. That in reading page 48 of the statement, the defendant referred to the rights that had been read to him previously, he wondered if counsel include this in foundation, referring to page 1 (Dykes) page 2 (Palmer) and any place where rights referred to.

This was agreed to by counsels.

Mr.. Palmer said that the defendant was not satisfied with his attorney and wanted to fire him, and agreed to talk to him without attorney.

Mr. Thomas said that on page 53 was another reference to rights.

Plaintiffs Exhibit No.. 61 (letter 6/9/75) marked for purpose of this hearing, not to go to jury, identified and offered.

Plaintiffs Exhibit No. 62 (envelope) marked, identified and offered.
Plaintiffs Exhibits No. 61 and 62 admitted for this hearing only.

Mr. Palmer said in regards to the tape, there was talk about the murders and the charge filed against defendant, defendant appeared to know what he was saying, was calm and collected in good health and in control of all his faculties, he was not hesitant, his speech was clear and he understood well. He was asked if he wanted to talk to Mr. Dykes and the defendant agreed to.

Mr. Robinson questioned Mr. Palmer? He asked if he wasn't aware that the defendant was represented by attorney, Ward Hower? Mr. Palmer answered that he was. He was asked if he had inquired of the defendant many times regarding out of state involvements? Mr. Palmer answered that he had, and he had called defendants counsel many times telling him that the defendant wanted to talk. Mr. Palmer was asked if he advised counsel what the questions were about? He said that he had and he was told to go ahead and talk to defendant.

Mr. Robinson asked Mr. Palmer how many trips were taken out of the State of Idaho? Mr. Palmer said numerous trips were taken. He was asked about a plane crash near Barstow, California. He said that the transcript was prior to the plane crash, prior to the date of the transcript he had been with the defendant in Wyoming and Montana.

Mr. Robinson questioned him about trip to New Mexico. He said that he can't remember what Mr. Creech talked to him about on that trip.

Mr. Robinson said that he had been advised that the defendant, Mr. Creech had been freaked out or spaced out many occassions. Mr. Palmer said that he was not so spaced out that he was giving any trouble or was a problem.

He was asked if he knew if defendant was on drugs, such as LSD. Mr.. Palmer said that the defendant never was on LSD he may have gotten some marijuana but no knowledge of any other drugs.

Mr. Palmer was asked how many times, if he knew, that Mr. Ward Hower visited the defendant? Mr. Palmer said that there were visits, he is not sure how many. He said there were times that Mr. Creech wanted to talk to Mr. Hower but Mr. Hower had not responded. Mr. Palmer was asked if defendant had lied to Mr. Hower and himself and he answered that the defendant had, that it was difficult to tell when the defendant was telling the truth or lying.

Approved:

J. Ray Durtschi

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

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Mr. Robinson asked if Mr. Palmer was of the opinion that the defendant was uphappy with his attorney at the time of the transcript? Mr. Palmer said that he was aware of this, but it was not referred to in transcript, but he knew that the defendant wanted to change attorneys.

Mr. Robinson questioned him about the transcript. He said that there is refernces to out of state mtters in transcript, but that he can't remember what all is in the transcript. He said that many representations made by defendant are untrue, he has tried to verify if truth, but some statements untruth. He was asked if he felt that pages 47, 48 and 49 of statment could be untrue? Mr. Palmer ansered that they could be.

Mr. Robinson said that on page 47, 4 lines from the bottom, if these questions referred to Bradford and Arnold? Mr. Palmer answered it did.

Mr. Robinson asked Mr. Palmer if the responses of Mr. Creech was a "I don't care attitude"? Mr. Palmer said that he felt that Mr. Creech did care, this was displayed in many areas, wasn't just responding for rewards such as trips out of state.

The court questioned Mr. Palmer regarding attorney of Mr..Creech? He said that Mr. Creech wanted to see his attorney to fire him, that he had at a prior time fired him.

Mr. Thomas questioned Mr. Palmer asked if he had initiated the idea that defendant should fire attorney? Mr. Palmer said that he had not.

Mr. Robinson asked Mr. Palmer how long before Apr. 28, 1975 had he been aware of the conflict between defendant and his attorney? Mr. Palmer said for some time. He asked Mr. Palmer if during this time he had made any effort to contact Mr. Hower regarding this. He said that he had talked to Mr. Hower, this was after the written statement of defendant. Mr. Robinson asked who the defendant was getting legal advise from at that time? Mr. Palmer said that he had no idea, maybe other inmates.

The court asked if there was any further argument on voluntariness?

Mr.. Robinson objected as to circumstances.

Mr. Thomas presented argument to the court.

Mr. Robinson presented argument to the court.

The court objected as to accuracy goes weight but as to voluntariness of the statement this will be overruled. There is no showing that there were any threats or coercion. That the letter of defendant of June 1975 and all statement given were free and voluntary and of his own free will, under no threat or pressure. That defendant was defendant was fully advised of his rights and his right to have an attorney present at all times, but it is not clear if defendant waived the right or not, that the statement of defendant of "I don't care" not adequate, so would sustain that objection. Must be a clear cut advise when starting to question regarding Idaho cases and a clear cut waiver. The court advised counsel that it could be used for impeachment purpose if defendant takes the stand and gives conflicing statements.

Mr. Thomas said that the State objects to the right to exclusive evidence as no timely Motion was made at the Motion to Surpress Hearing.

The court said that he does not feel Motion to Suprress needed here as adequate foundation not laid.

Mr. Thomas said that he would proceed with Mr. Mason as to the confession and statedent in the plane crash.

Jury was returned and admonished and recessed for the evening.

Alvin R. Mason was called, sworn & direct examined by Mr. Thomas. He said that he is with the Dept. of Law Enforcement in Boise, Ida.

Approved:

J. Ray Durtschi
Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

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He said that he is with the Chief Bureau of Narcotics. That he has been involved with the investigation of Thomas Eugene Creech, such as taking statements and on May 4, 1975 he was traveling in a plane with defendant and others, the plane crashed. He explained how the crash had occurred that one of the passengers aboard had trouble breathing, so an attempt was made to help him, this was to no avail, so the piolot attempted to set the plane down to a lower altitude, Mr. Taylor still failed to respond so decided to land, and they went down through the clouds and broke into a valley which had snow covered ground, attempted to set down on a roadband was caught in a cross wind, and plane crashed. The defendant was upset by the crash and became very nervous and excited, After he settled down they had a conversation for 15 to 20 minutes.

Court recessed 4:25 p.m.

Court reconvened 4:35 p.m.

Mr. Thomas continued to question Mr. Mason. He asked if he had any conversations after that time? He said he did. He was asked if he had asked any questions about Bradford or Arnold? He said he had not. He said that the defendant was sitting on his right and he asked if he was hurt or cold but that was the only questions. He said that defendant then started to talk to him regarding the killing of Arnold and Bradford. "He said this really made Christians out of me, I had no reason to kill those guys the jury ought to find me Guilty".

He was asked the nature of the discussion, and did he ask any questions regarding the murder? He said he had not.

He said that he was just happy to be alive and so was Mr.. Creech. He said that the behaviour of the defendant was much as it was here today. His manner of speech was normal, just a normal vountary statement. He said that he assumed that he was talking about the Idaho murders, but the defendant didn't use any names.

Mr. Robinson cross examined Mr. Mason? He asked who was present when statement made? He said that at that time Sgt. Tom Taylor, defendant and himself.

He was asked where they had been? He stated they had gone to Barstow, Calif, looking for several bodies. This accident took place on the flight home. No bodies were found in Calif. He said that this was not his first trip out of State with the defendant, had gone to New Mexico in March of 1975.

Mr. Robinson examined him about the plane crash and how it happened. He said that when the plane landed it was going approximately 120 miles per hr., it got blown off the road and tipped on his nose, the right wing in a pond then the plane settled down. They kicked the door open on the pilot side, they took Sgt. Taylor outside on the road and saw that he was alive, went back to get Creech, then saw to the Sheriff and the pilot. Sheriff Palmer took the cuffs off Creech when they were all outside, they assisted Taylor. The weather was windy with snow and rain. They were outside the place for 5 -6 minutes, he took off his jacket and put it on the defendant, they then got back in the plane, the Sheriff and pilot stayed outside. Several minutes later the Sheriff went looking for help. He said that his gun had fallen out of his pocket and the defendant found it, picked it up and handed the gun to Taylor. The conversation of the defendant referred tohere took place before he handed the gun to Sgt. Taylor. He said that the plane crash was in Nevada and the defendant did express some fear of being Nevada. They were ther about 4 hours.

Mr. Robinson objected to this statement of defendant, he said that it was so vague and evasive, that it couldn't be tied to Arnold and Bradford deaths. There has been no foundation laid by State to present this to the jury.

Approved: J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO — Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH — Defendant | October 6, 1975 Date

(CONTINUED)

Mr. Thomas said that all this goes to the weight not admissability.

The court said that the record will reflect that a jury trial in this case had been set on the date this occurred, this trial was to take place at Cascade, Idaho.

Mr. Robinson made statement

Mr. Thomas said that there was no evidence that there was any bodies found in Barstow, Ca.

Mr. Robinson said that a total of 12 bodies had been recovered in other jurisdictions from information given by defendant, these bodies were found in several other states.

The court said that this does not go to the voluntariness of the statement. This was a voluntary statement and required no rights. He would restrict the State from presenting this evidence as to why the trip was taken but not to the date it occurred.

Mr. Remaklus ask if this would stop them from referring to the weather if the state isn't referred to.

The court answered No.

Mr. Robinson stated that the defense is prepared to present testimony, that the defendant does not remember ever making the statement.

The court said that there was no other jury trial pending so it is reasonable to related this statement to the Idaho case. This goes to the weight no admissability.

At this time Mr. Boyd came before the court regarding Carol Spaulding he said that he was not able to find any authority for theory that any testimony at a prior hearing would not constitute a waiver as to statement in this hearing.

Mr. Thomas said that he is positive that since Miss Spaulding did testify under oath as to the same factsinvolved here, that she did waive her ight and has no claim here to self incrimination, unless it is to purge herself.

Mr. Boyd said that he is in any testimony given before had to be taken in connection with this proceedings and there was no way of knowing what evidence would be asked in this hearing. There was no cross examination there and this is an entirely different situation.

Mr. Thomas said that he had no further argument, but did not think the danger of incrimination was very strong.

The court stated feels that there might be some danger, the witness is entitled to privledge, unless it had been waived, he will hold no waiver of privledge, so to use testimony of Miss Spaulding would avail immunity statute, if proper request for grant of immunity is proposed.

Mr. Boyd said that if immunity is granted, then Miss Spaulding will testify.

The court asked if there was any reason why immunity should not be granted.

Mr. Boyd stated this was for testimony within the State of Idaho, that if Mr. Robinson called witness on defense case for out of state, then Miss Spaulding would claim the privledge.

The court said that on presentation the request for immunity will be signed and witness will be required to testify.

Court recessed 5:15 p.m.

EIGHTH DAY — One Hundred Ninety Eighth Day
October 15, 1975
9:30 a.m.

Approved:

J. Ray Durtschi
Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO — Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH — Defendant | Oct. 6, 1975 — Date

(CONTINUED)

Jurors returned and it was stipulated all present.

Mr. Thomas continued direct examination of Mr. Palmer. He questioned him regarding his conversation with the defendant in May 1975, while he was in the plane with defendant, at the time that there was a problem with Sheriff Taylor, who was also on the plane, and they had a minor plane crash. Mr. Palmer related to the jury what happened at the time of the crash, after the plane had landed and crashed, with only minor damages, he drug Sgt. Taylor out of the plane, the defendant was behind him, the defendant was shaken and excited. Mr. Mason came and got the defendant and they revived Mr. Taylor, the defendant was still shaken so Mr. Mason took the hand cuffs off and got the defendant to straighten up, they ther got back in the air craft, the defendant, Sgt and himself and Mr. Mason, he saw that things were settled so got out to go help look for help. He came back to the plane and ot in, in the process his gun fell out of the holster, into the seat besides the defendant. Mr. Creech reached down and picked up the weapon and returned it to him.

After the plane returned to Boise, Ida and the defendant was put back in jail he received a tape from the defendant, which was personally handed to him by defendant. Defendant had recorded this tape in his cell, he said that he did not ask for this tape.

Mr. Thomas said that he would like to submit this tape under regualr proceedings before submitting it to the jury.

Jury was dismissed.

The court asked Mr. Robinson if he had heard the tape?

Mr. Robinson said that he had, and there was a question as to voluntary nature of the tape.

The court asked if there was any objections to the contents of the tape?

Mr. Robinson said that on June 6, 1975 they came before the court and asked for a change of attorney for the defendant, the attorney was appointed on June 9, 1975. He said that the tape was made on June 6th, that he sat in on an interview with defendant and officer from Los Angles County in regards to some sacrifices in Los Angles Co, Calif. This was limited to matters in Los Angles Co., Calif, when they got into the area of Idaho matters, he instructed defendant not to say anything until he could have time to investigate, as he was new in this case. The defendant was not used to him as they were new with heach other, so the tape was given to Sheriff Palmer, by the defendant, to keep in good standing with the Sheriff.

Mr. Thomas questioned Mr. Palmer. He said that no rpomises were made to defendant and no benefits promised for this tape. He received this tape from the defendant several days after the interview of defendant with the two Loss Angles officers. This tape was completely voluntary by the defendant, no one asked him to make this tape.

Mr. Robinson cross examined Mr. Palmer. He asked if he had made the arrangements for interview of Los Angles Officers, and defendant, at which time Mr. Palmer and himself were present? He said that he had.

Mr. Thomas stated that the interview had been transcribed.

Mr. Robinson asked if this was the transcript of the interview of May 12, 1975, if so he was not present when this interview was held, if so there was previous contact of the defendant and the Los Angles County officers.

Mr. Palmer said that in all the time that the defendant was in his custody from Nov. 1974, that several trips had been made out of state with the defendant. He said that the the session held on June 6, 1975 had been pre-arranged on another occassion. As to the letter of June 9, 1975, he said that an area of trust had been established with the defendant and himself, over the period of time that the defendant had been in his custody.

J. Ray Durtschi
Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
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STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant | Oct 6, 1975 (Date)

(CONTINUED)

He said that he had cooperated with the defendant to a certain degree. Mr. Robinson asked Sheriff Palmer, if the defendant had ever made a promise to him not to try and escape? Mr. Palmer said that he had, but also had made an attempt to escape. He said that he had cust his wrists in an attempt to get into the hospital. These were just superficial wounds. At the time defendant told him he wanted to get into the hospital so some of his friends could help get him out. He said that also saw blades had been smuggled in to jail to try and saw out, this was prior to the air plane crash.

Mr. Robinson asked Mr. Palmer if when the defendant found the gun when the plane crashed, couldn't he have killed all of them and got away, if he had wanted to? Mr. Palmer said that the gun was loaded, but all the others had a gun, and he couldn't have killed all four of them, besides allof them were in a tight spot and they needed each other.

Mr. Robinson asked in regards to the interview on June 6, 1975, he asked the sheriff if it wasn't a fact that the statements of the defendant upset him at that time, as he was new as defendants attorney? Mr. Palmer said it could have. Mr. Palmer was asked why the defendant sent him the tape and letter other than to re-insiate himself in the good graces of the Sheriff or was he wanting some favor?

Mr. Palmer said that he did not feel that the defendant was trying to get in good with him or that he was looking for some favor, he had talked with the defendant before, and he thought that the defendant trusted him, and that the facts should be found out so they could get before the court, he feels that the letter and tape were sent to him and were voluntary statements.

Mr. Thomas asked the Sheriff if there was any indication through defendant, that his attorney did not want to have him talk to the Sheriff? Mr. Palmer said that there was a reference to this fact on the tape.

The court questioned Mr. Palmer regarding exhibit #49, he said that this had been limited purposes when exhibit was admitted. He asked Sherff Palmer had any knowledge of the defendant having been given warning and rights?

Sheriff Palmer said that he had read his rights many times and that the defendant knew them as well as he knew them if not better, they had been given him 25 to 30 times, in fact they had been given so many times that the defendant felt it a joke.

Mr. Thomas asked the Sheriff if the letter was received June 9, and the tape a few days later? He answered that it was.

Mr. Robinson asked Sheriff Palmer if that subsequently to his getting assigned as defendants attorney, if it was true and correct that he did abide by the ruling not to have any conferences without him being present, when ever defendant made statement, and wasn't this tape sent while he was out of town? Sheriff Palmer answered yes.

There was nothing further by Mr. Thomas.

There was nothing further by Mr. Robinson.

Mr. Robinson made statement, he said that it was his feelings that this was a voluntary statement, and he agrees that the defendant was given his rights many times and that the defendant understood them.

The tape was played for the court.

Mr. Robinson entered objection.

The court said that as far as he could tell, the objection will be overruled and this statement was not the result of any interrigation but was a voluntary statement by Mr. Creech, he feels that it is admissable as voluntary statement, that the defendant had received his rights and warnings many times.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant | Oct. 6, 1975 Date

(CONTINUED)

Court recessed 10:23 a.m.
Court reconvened 10:30 a.m.
Jury returned and it was stipulated all present.
Mr. Thomas moved for the admission of Plaintiffs exhibits #63 & #64,
The court said that the records will show that there was an objection to this exhibit by Mr. Robinson, but this was over ruled.

Plaintiff's Exhibit #63 (Tape) admitted.
Plaintiff's Exhibit #64 (Recorder) admitted.

The tape was played to the jury.

Mr. Thomas asked Mr. Palmer, did you ever solicit the tape from the defendant?
Mr. Palmer answered that he had not.
Mr. Robinson questioned Mr. Palmer. He asked him to describe the air plane flight that crashed, also how long after the crash that the defendant came into possession of his revolver? Mr. Palmer again related the facts of the crash, how they had decided to land after one of the party had difficulty getting his breath, and on landing the plane had a minor crash. Sometime his revolver had falled from his holster, which was approximately one hour after the crash, the defendant was neither cuffed or in leg shackles at that time. He found the gun and just handed it to him. He never tried to use this weapon against them, but the others in the plane were armed and it would not have done him much good and besides nobody knew where they were or when they would get out, so they needed each other. He said that prior to Jun 6, 1975 the defendant had been very cooperative with him and Mr. Mason.
Mr. Robinson questioned him regarding the tape and the letter in June 1975. Mr. Palmer said that he did not feel that the tape or letter was a result of the interview on June 6, 1975, he said that in previous conversations with the defendant , he told him all the truth could come before the court and he felt that this was why the tape and letter was given to him by the defendant.
He was asked how long the defendant was in his custody? He said from Nov.'74 until June 1975, during this time he had seen the defendant spaced out on drugs and under the influence of drugs in a doctors office. He said that when the defendant acted spaced out in his cell, he felt that it was faked, he was professing that Satan had him. He said that his deputies had reported several incidents, but he was not present.
Mr. Robinson asked Mr. Palmer, that while the defendant was in his custody, had he aided or abeted other inmates from suicide attempts? He answered that he had a couple of times.
Mr. Thomas re-direct examined Sheriff Palmer in regards to the excape attempts of defendant? He said that one time he had broken a safety glass and cut wrist, these were just superficial cuts, and he didn't feel that they were serious enough for a hospital. Later the defendant told him that that attempt was to get outside, but felt those who were going to help him, would have killed him. He said that on one occassion a saw blade was smuggled in to the jail proper.
Mr. Thomas asked Mr. Palmer, when at the plane crash site and the defendant found his gun, could the defendant have escaped if he tried to use this gun? Sheriff Palmer said that he could not.
Sheriff Palmer explained the time that defendant was reported spaced out on drugs, that when he got to the cell the guards were working over him

Approved: J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

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STATE OF IDAHO, Plaintiff | Docket No. 9701

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THOMAS EUGENE CREECH, Defendant | October 6, 1975 Date

(CONTINUED)

he said that he felt that he was faking, so told him to sit up and behave, and he did, nothing was wrong. In regards to the assistance of other persons in jail, he did help once or twice. Other time he said that some person charged with rape had been put in cell with him and he tried to kill him. Another time he slipped in some coffee on his cell florr and fell, his arm was swollen up, other wounds were self inflicted by himself. He said that he got along when he wanted to, sometimes he didn't want to.

Mr. Palmer said that the letter in June was received several days later after the interview of Mr. Creech, Mr. Robinson, and couple other detectives.

Mr. Thomas moved to admit Exhibit #61 (letter) and #62 (envelope).
Mr. Robinson re-said his objections to exhibits.
Court overruled objection.

Plaintiff's Exhibit #61 and #62 admitted.

Mr. Thomas read the letter (exhibit #61) into the records.

Mr. Thomas asked Mr. Palmer if the defendant indicated that he was direxctly disobeying the instructions of his attorney, by talking to him? Mr. Palmer said that this is indicated in the tape, he knew that his attorney would disapprove.

Mr. Robinson re-cross examined Sheriff Palmer. He asked him if while the defendant was in his custody, had the defendant ever lied to him? Mr. Palmer said that he had, but that he had difficulty telling when the statements were true or false.

He was questioned in regards to the defendant trying to kill his fellow cell mate? Mr. Palmer said that he was told that the man had bragged in the cell about the young girl he had raped, and the defendant, Creech had went all to pieces and tried to kill the man.

There were no further questions at this time, but the witness was advised to remain for later time.

Alvin R. (Bud) Mason was called, sworn and direct examined by Mr. Thomas, he said that he is with the Bureau of Narcotics for the State of Idaho, in Boise, Idaho. He was an investigatior for the Dept. of Law Enforcement on Nov. 5, 197' and was assigned to assist the Sheriff of Valley County, Idaho in a double murder. He went to Cascade, Ida. on Nov. 5, 1974 to conduct an investigation. He said that he contacted Sheriff Lynskey and other officers and witnesses that were connected with the Donnelly incident. His first contact with the victims was at the morgue at the St. Alphonsus Hospital, Boise, Idaho. He said that the victim Arnold was identified on Nov. 6, 1974 but that Mr. Bradford was not identified until later through finger prins and teletypes. He said that he also viewed the car, inside and out, he assisted Dr. Scott in the autopsey on both days of both victims. He said that he took these clothes from the victims, these had to be air dried so could be sent to the FBI lab in Wn. D.C.. He identified articles of clothing, Plaintiff's exhibits #10, #11, #12, #13. He went to Mountain Home to assist Mr. Maxwell and Mr. Woodall with investigation with Carol Spaulding and Mr. Creech. He said that he was in the car that took both Miss Spaulding and Mr. Creech back to Cascade, Ida. from Mountain Home. He said that he heard the defendant talking to Miss Spaulding in the back seat of the car.

The court questioned the witness regarding this conversation?

Approved:

J. Ray [illegible] District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant

Docket No. 9701

Oct. 6, 1975 Date

(CONTINUED)

Jury admonished, and excused for noon recess.

The court asked if the parties were going to go into the voluntariness of this conversation?

Mr. Thomas asked the witness if they conducted any interrigation in t he car? He said that they did not.

The court said that he wanted the questioning regarding this conversation in the car to be limited to just that.

Court recessed 11:27.

Court reconvened 1:35 p.m.

Jurors returned and stipulated all present.

Mr. Thomas continued questionirg of Mr. Mason regarding the conversation he heard between Mr. Creech and Miss Spaulding in the car? He said that while they were in route, the defendant said that they left the car on the right hand of the river on Highway #55, 17 miles so. of Cascade in canyon. He also described the circumstances of a plane crash on May 12, 1975, in which the defendant, Mr. Palmer, Mr. Taylor Tom Ambrose and himself were present. He said that he observed the defendant during this plane crash some, but was trying to help Sgt. Taylor so didn't have to much time to pay close attention to defendant at the time of the crash, but after they had worked on Sgt. Taylor and he was better, the defendant, Mr. Taylor and himself got back into the plane, as it was cold and snowing outside, it was there that the defendant made a statement to him. "He said that this sure made a Christian out of me. I had no reason to kill those guys, the jury should find me guilty". He felt that the defendant was referring to the Idaho cases at that time, only one set for trial.

Mr. Thomas asked the court to take judicial notice that the Idaho cases were set for trial on May 20, 1975, the only jury trials pending.

The court said that judicial notice would be taken.

Mr. Thomas asked Mr. Mason how the actions of defendant was at the time of that statment? He said that defendant was normal and rational. His comments were not in response to any questioning just spontaneous statement.

Mr. Robinson cross examined Mr. Mason asked if the spontaneous statement came before the gun was recoved that defendant found in plane? He said that it had. This statuent was not in response to any questions asked. He assumed that the defendant was referring to the Idaho cases because of the pending trials.

He was asked by Mr. Robinson if when the defendant picked up the loaded gun and returned it to Sheriff Palmer, if it was possible for the defendant to waste all the officers on the plane and escape? He said that he did not fell that it was possible.

Defendant's Exhibit A (copy of rap sheet) identified and offered.
Defendants's exhibit B (copy of rap sheet) identified and offered.

Objectiony the State as irrelevant.

The court said that it would take the ome same position as before, there are separate portion that relate to identity and this would be admitted, but goes beyond the scope of the direct examination.

Jury was excused and admonished.

Mr. Robinson stated that it tends to go beyond the direct examination but the evidence has been admitted already. That the personalities of both Mr. Arnold and Mr. Bradford are relevant, they could have raped Miss Spa ding as has been testified to already.

Approved:

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant | Docket No. 9701 | October 6, 1975 Date

(CONTINUED)

The court stated that it is not sustaining on the relevancy, this is a mute question, but beyond the scope and it probable will come before the court, and if it can be shown that the defendant had knowledge of the mens character, then it will be considered, but no foundation has been laid for that information, at this time.

Mr. Robinson said that there has been reference to Mr. Bradfords being in the Alabama State Penitentiary.

The court said that it would adhere to its ruling.

Court recessed for noon.

Court reconvened at 1:30 p.m..

The jury was returned and it was stipulated all were present.

Mr. Thomas re-re-direct examined Mr. Mason regarding the defendants picking up the gun in the plane and if he could have seated all four persons on that plane? Mr. Mason said that due to the seating arrangements on the plane that the possibility existed but that it was not probable.

Mr. Thomas asked him if he knew at the time of the crash, that a trial date had been set for later that month? He answered that he knew this.

No further questions at this time.

Derold E. Lynskey, Sheriff of Valley County, Cascade, Idaho was called, sworn and direct examined by Mr. Remaklus. He said that he was Sheriff on Nov. 5, 1974, and was assigned with Deputy Maxwell to investigate two murders. On Nov. 8, 1974 he went to the scene where the bodies were found and viewed the bodies and the area. He identified Plaintiff's Exhibits 1 A and 19. He stated that he was present at the autophsey of Mr. Bradford, on Nov. 6, 1974, both bodies were in the authopshey room at that time. He identified Plaintiff's Exhibit #11, #12 and #13. He said that he took these exhibits and kept them in his safe until they were sent to the FBI lab in Wash. D.C..

No questions by Mr. Robinson.

Jury was admonished.

Court recessed 1:40 p.m.

Court reconvened 2:05 p.m.

The court asked if they were ready to proceed with the examination of Miss Carol Spaulding? The parties stated that they were.

The court said that the records will show that the defendant has been appointed an attorney to represent her, Mr. William Boyd, and has refused to answer questions in this matter on trial. That it has been requested under Section 19-1115 that the court order the witness to answer the questions. A copy of this has been handed to Miss Spaulding and the defendant. That pursuant to the request under Section 19-1115, it has been asked to show cause, if she has any, why the questions should not be answered and evidence produced.

Mr. Boyd said that there is no evidence if the questions are within the bounds of the Order.

The court said that it could find nothing clearly contrary to public insterest and will order the witness to answer the questions propounded as long as the questions are outside the proceedings in Valley County, Idaho, this will not incriminate her. The statute provides that she will not be prosecuted .

Mr. Boyd said that the Order granted immunity to the events in Valley County but does not extend to Lewiston or Boise, Idaho.

Approved:

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

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STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant | Docket No. 9701 | Oct. 6, 1975 Date

(CONTINUED)

The court said that this is correct, just Valley County, Ida..
Mr. Boyd said that any facts that are propounded in regards to Valley County, he will not tend to offer advise.
Jury was returned and it was stipulated that all were present.

Carol Marie Spaulding was called, sworn and direct examined by Mr. Remaklus. She said that she is 18 years of age now. Mr. Remaklus asked if on Nov. 3, 1974 she was at Lewiston, Idaho?
Witness refused to answer.
She was asked if on the early morning of Nov. 4, 1974 she had occasion to be near Donnelly, Valley County, Idaho, and if she knew where Cascade, Idaho was? Witness answered yes. She was asked if when she was in Valley County, if she was with someone? Miss Spaulding answered that she was with the defendant, Thomas Eugene Creech (defendant identified). She was asked if there was anyone else with them in Valley County? She said that Tom Arnold and Wayne Bradford, defendant and herself were traveling in Arnold car. She was shown State's Exhibit #28 and identified it as the car they were in.
She was asked if prior to getting into the vicinity of Valley Co., if she had been near McCall, Idaho, before traveling on to Donnelly, Ida.? She said that all four of them stopped at a lake, where there was a motel. When they left McCall, Mr. Arnold was driving the car, she was sitting next to him and Mr. Creech next to her. Mr. Bradford was asleep on the back seat. She said that the door on the drivers side did not open so everyone had to get in on the passenger side. She described the interior of the car as dirty. They left McCall and drove south towards Cascade, they stopped somewhere before getting to Donnelly and siphoned some gas out of a car. This was about a mile south of Donnelly she thought, but it was close to mid-night. When the car stopped she asked the defendant to change places with her, she didn't want to sit next to Arnold, as he kept putting his arm around her shoulders and touching her breats. The car stopped and the defendant got out of the car, she got out and he shoved her away and he shot the two men, first Mr. Arnold and then Bradford. The bodies were then removed and put in a ditch, they came back to the car and he told her to get in and they drove on. Mr. Remaklus asked her if she had seen the defendant with the gun in his hand? She answered that she had. After they got back in the car they left the scene where the men were shot and drove on to Cascade, Idaho, they stopped there, Mr. Creech was driving. He tried to hot wire a car in Cascade, but it didn't work. They were in Cascade, Ida. about one-half hour. They got back in the car and drove down the road and pulled into some place to rest for awhile, behind a building, later they went on a little farther until the car ran out of gas. Then they had to get out and hitch hike.
She was asked if they hitch-hiked to Boise, Idaho? She refused to answer this.
Mr. Boyd ask that the jury be dismissed in order that he might present argument to the court.
Jury excused after being admonished by the court.
Mr. Boyd said that as he understood the court, it only grants immunity as to the things that happened in Valley County. The mere fact that she was in Boise, Idaho can tend to incriminate her, he is aware of things in Boise that might be incriminating.
Mr. Remaklus said that he only intended to trace the rounte traveled to where she was arrested.
The court asked if there was any objections to facts in Elmore Co.?

Approved:

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant

Docket No. 9701

Oct. 6, 1975
Date

(CONTINUED)

Mr. Boyd stated that an effor has been made to connect the gun with her in Elmore County.

The court said that as he reads the stature, it would exclude any othercounty other than Valley County.

Mr. Remaklus said that he knew of no criminal action in Elmore County..

The court said that it is not convinced there could be no criminal action in regards to the gun.

The jury was returned and it was stipulated all present.

Mr. Remaklus continued to examine Miss Spaulding. He said that after hitch-hiking that they wound up in Glenns Ferry? She ansered yes, they went into Glenns Ferry with some man, could be Mr. Rivers. They stopped there and her and this man went into cafe to have a cup of coffee. She was asked who was in the cafe? She said some workers, a police officer, cafe help. When they left they took a cup of coffee, to go, for the defendant, who had stayed in the car. She said that the weather that night was windy and cold. They left the cafe, got back into the car, she was in the middle, Mr. Rivers was driving and Creech on the other side of her. They drove for a short while and then the police car pulled them over. They got out of the car and was taken to the police station, where they were questioned. Later they were taken to Mountain Home, Idaho, in a police car, she and the defendant, Creech roade in the back seat together.

Mr. Remaklus said returning to the scene of the shooting, did she have any knowledge that the defendant was going to shoot the two men? She answered No she did not. He asked her if the man driving had his arm around her and had he at one time tried to rape her? She answered that he had not. She described the actions of Arnold and Bradford, both were drunk, but she was not afraid of them.

She identified Exhibit #24 as her coat, exhibit Q31 as blue coat of defendants and Ex. #25 as her hand bag.

Mr. Remaklus asked her to describe the clothing that the defendant was wearing that night they were arrested. and if at any time she had had the gun in her purse?

Miss Spaulding said that the defendant had on black pants, jacket. That when they were arrested the gun was in her hand bag, but Mr. Creech had put it there.

She was asked if at the scene of the shooting if she had saw a knife, and if anyone had held this knife to the defendants throat.

She said that she did not see any knife at the scene of the shooting, and she did not know anything about anyone holding a knife at the throat of the defendant, Creech.

Both men were in the automobile when shot, Mr. Creech was standing at the door.

She was asked to identify State's Exhibit 1 A and 1G. There was no answer by Miss Spaulding.

Court recessed 2:53 p.m., the Jury was admonished.

Court reconvened 3:03 p.m.

Jurors returned, stipulated all present.

Mr. Remaklus continued to examine Miss Spaulding, he asked her where she was when Mr. Arnold and Mr. Bradford were shot? She said that she was standing outside the car.

Mr. Robinson cross examined the witness. She was asked when and where she was born? She answered on Dec. 12, 1956 at Los Angles, Calif.. She stayed in Calif. for 10 years and attended the first through the fifth grades there. She has a sister now 29 years old and a younger sister, Kathleen now 15 years old and a brother, Glenn now 11 years old. She said that she has foster borthers and sisters, she had been in five foster homes. Her parents are separated. Her father is in Los Angles and works

Approved:

J. Ross Burtenshaw
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO — Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH — Defendant | October 6, 1975 — Date

(CONTINUED)

at repossessing cars and is now with a carnival, he was with the carnival in Sept. 1974. She was asked where she met the defendant Thomas Creech? Witness refused to answer. She was asked if she used drugs? Witness refused to answer. She was asked if she drank intoxicating beverages? Witness said not often. She was asked if on Nov. 3 and Nov 4, 1974 was she drinking any intoxicating beverages? She answered that she was not. She was asked if she was under the influence of any drugs on Nov. 4, 1974? She asnwered No. She was asked if she used drugs extensively before she met the defendant? Witness refused to answer. She was asked if she stole the gun from Lewiston, Idaho? Witness refused to answer. Mr. Remaklus asked her if Kathy and Danny were with them in Valley County, when they were Mr. Bradfor and Mr. Arnold? She answered that they were not. She was asked if they searched the trunk of Arnold car for a pound of drugs supposed to be in there? She answered No. She was asked if anyone searched the truch for drugs? She answered that she did not know. She was asked if any was found? She said No. She was asked if she believed that Arnold and Bradford had drugs (smack or heron) before they were killed? She said No. Mr. Remaklus asked her what the purpose of the stop at the motel in MaCall was for? She answered that it was to get out and streach, to wash up and rest, she said that this was for approximately 10 or 15 minutes. She said that Mr. Arnold sold his coat at the bar to get beer. She said that Mr. Creech had money from a stolen battery charger that he sold, she didn't have any money. She was asked if she or any of the party smoked a joint at the motel? She said No. Mr. Remaklus asked if she stopped at Grangeville? She answered yes. Did she remember being at the Texaco Station in Grangeville? Witness refused to answer. She was asked if she was carring exhibits #22 and #23, the gun and holster, while in Grangeville? She answered No. In McCall? She answered No. She was asked when the first time the gun came into her possession? She said in Boise and after the men were killed.

She was asked her present residence? She answered that she was in Carson City, Nevada, at the penitentiary, since May 1975. She has been in custody since May 8, 1974 in jail, then juvenile hall and the Idaho State Penitentiary. She entered a plea of Guilty to Accessory and Harboring a Fugitive. She was asked if she had ever been charged with a felony before? She answered No.

Mr. Robinson aksed if the first time Arnold or Bradford made any sexual advances toward her was after they left the motel in McCall? Witness refused to answer. She was asked what happened when Mr. Arnold put his arm around her shoulder and reached for her breast, after they left McCall, and what did he say? She said that she did not ~~them~~ remember. She was asked if any propositions sexually were made? She said she didn't remember. Mr. Robinson asked while the four people were in the car did Mr. Bradford make any comments or advances? She said not really he just kind of laughed. She asked if she asked Mr. Arnold to stop? She said that she moved away from him and asked him to stop. She said that she then asked Mr. Arnold to stop in order that she could go to the bathroom. Mr. Robinson asked if there was any conversation between Mr. Creech, Bradford and Arnold before stopping the car? She said that she wasn't sure. She was asked how Creech became aware of sexual advances? She said that she told him. She was asked if he knew that she was pregnant at that time? She said that he knew. She was asked when the child was born? She answered June 30, 1975.

Mr. Robinson asked that if it was true that she testified that after the car stopped ans she got out that Mr. Creech just turned and sot Mr. Arnold and Mr. Bradford, without her saying anything about the

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advances? She said he knew. She was asked if she knew of any incident when Mr. Bradford held a knife at the throat of Mr. Creech? She said that she didn't see any. She was asked if when she was picked up if she hadn't made a statement that they had held a knife at the defendants throat?

Objection by Mr. Remaklus.

Mr. Boyd asked if this had been under oath?

Mr. Remaklus said that he did't know.

The court said that a foundation had better be layed.

Mr. Robinson asked the witness if she recalled being arrested and taken into custody, by Officer Hill and later being taken to Mountain Home, Idaho? She answered No. She was asked if she remembered Officer Freeman and Officer Woodall? She said that she did not remember Freeman but believes she remembers Mr. Woodall. She was asked if she remembered these men having a question and answer session with her on Nov. 8, 1974? She sai that she remebers being questioned. She was asked if she remembers making the statement about the knife at defendants throat? She answered No. She was asked if she had been given the Miranda Warning or rights? She said that she did not remember, she does not remember signing any papers. She was asked if when she was in juvenile detention, at Boise, Idaho, if she remebers telling officers that Mr. Bradford held knife at the throat of the defendant? Don't know. She was asked if at any time she remembers having been given an oath. She answered she didn't know.

She was asked if she had taken LSD before her arrest? She answered No. She was asked if it was available? She answered No. She was asked if Mr. Creech had? She answered No. She was asked how long it had been before her arrest that she had taken any drugs? Witness refused to answer. She was asked if there was some reason why she can't remember the surrounding circumstances? She said that she didn't know.

She was asked if rights and forms were not given to her to sign at Glenns Ferry? She said that she didn't know? She was asked if she wasn't given her rights more than once at Mountain Home? She said that she didn't know, she refused to sign anything at Mountain Home. Mr. Robinson asked her about her education? She said that she had completed 10 grades and now had her GED. She was asked if she had ever been part of an organized bike club? Witness refused to answer.

Mr. Robinson asked if at the site of the killings, if she had aided and assisted Mr. Creech in pulling the bodies to the ditch? She answered that she had not. She was asked if she recognized the blanket and sleeping bag? She answered she did not. She was asked if she kept back or had she help cover the bodies with the blanket and sleeping bag? She said that she had not helped defendant. She was asked if she had kicked either of the men after they were dead? She answered No. She was asked if the killings had made her sick and had she thrown up? She said No she had not. She was asked if these were the first men she had ever seen killed? She said that they were. She was asked how long they remained at the location after the men were killed? She answered about 5 minutes. She was asked if there were blood on the car seats and if they wiped it up? She said that there was blood on the seat and it wasn't wiped up. She was asked if she had helped? She said that she had just stood there. She was asked if she had ever made any sound or cried out? She said that she did cry out "Oh My God! She said that she was frightened and sick. She was asked how long it took them to get to Cascade, Idaho. She said she didn't know that they went to a gas station and tried to steal another car, she said that this was near the court house, about two blocks away, she sat in the car while he tried to wire the wires under the dash

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She said that they were ther about 10 minutes, the car could not be wired, as there was no battery, they went back to the car that the men had been shot in and went on down the road, they were in Cascade about one-half hour. They drove to some place where there were some buildings, so Mr. Creech could sleep but didn't stay there long.

She was asked if there was ever any conversation as to why he shot the two men? She said that she asked him at Donnelly, but he never answered her.

They then went on to a Lodge and parked among the cars in the parking lot, so they could rest. It was a cold night so they left the heater going.

She was asked if she could drive a car? She answered No.

Jury was admonished and excused.

Court recessed 4:00 o'clock p.m.

Court reconvened 4:10 o'clock p.m.

Jury was returned and it was stipulated all were present.

Mr. Robinson asked if they attempted to push the 1956 car into the river? She said that they had after it ran out of gas. After that they had two rides, first with a woman with a young child, then they were picked up by a young man.

She was asked about the smell of the 1956 car? She said that it had smelled bad, as Bradford had urinated in it.

Mr. Robinson asked Miss Spaulding if she had been Dans "Old Lady"? She refused to answer. He asked her if he was the father of her baby? No answer.

She was asked if Mr. Creech and her came to Lewiston from Kentucky? She refused to answer. She was asked if she was a member of a Satanic Cult? She refused to answer. She was asked if she had ever been at the McCoy Ranch in California? She refused to answer.

Mr. Robinson said that this concludes the cross examination, but requests that the witness be available to be called on the defendants case.

Mr. Remaklus asked if when she was at Mountain Home and Glenns Ferry if she todl the officers that Mr. Bradford had a knife at the throat of Thomas Creech and if she had why? She said that Tom had told her too.

Mr. Robinson asked Miss Spaulding if this was in a conversation between her and Creech to put stories together as to how the killings occurred? She said that Tom Creech told Jim Marsh, at who's house they were staying about the killings, and then he told her again on the trip from Glenns Ferry to Mountain Home.

There were no more questions.

Mr. Remaklus asked Miss Spaulding if Mr. Creech told her to say that Mr. Bradford held a knife to his throat? No answer.

The court said that the witness would be held available for the defendant to call on their case.

Mr. Remaklus said that they would like to make and Offer of Proof in the absence of the jury.

Jury was admonished and excused.

Mr. Thomas said that the first offer was to relate to the name of Joe Carl Adams. He said that the name of Joe Carl Adams was a name listed as an alias and identification in the defendant possession. They will offer to prove that the defendant, Thomas Eugene Creech between the time of the crime charged here and his arrest entered a 7-11 store in Boise, Idaho and robbed it taking the identification from Joe Carl Adams. He believes that the Supeme Court allosws th Appeared to be put on

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He said that there is the testimony of Gene and Becky Hilby on the murder in Portland, Oregon. Before the defendant did so he advised them that he was threatened with a knife. The same in Salem, Oregon. The circumstances are the same here and this was raised in the cross-examination of defendant. Defendant opened this area up.

Mr. Robinson said that the Adams identification and other evidence mentioned by Mr. Thomas, points to evidence in other crimes and is prejudicial.

The jury was returned and it was stipulated all present.

Mr. Remaklus stated to the court at this time, that the State rests.

The jury was admonished and dismissed for the evening.

Mr. Robinson made a Motion to the court to Dismiss this charge against the defendant the Plaintiff failed to prove the charges filed against the defendant.

The court stated that this Motion would be denied.

Mr. Robinson asked the court if it would listen to argument on Motions limiting testimony, he said that the defense is going to make a total exposure of the life of Thomas Eugene Creech, giving the reasons for these statements, but will deny the double murder accused of here as he did not commit the crime. He said that the testimony will commence with the first death that the defendant was involved in, in 1956, as to the involvment in the Satanic cult, involvment in drug traffic, as a hit man for a bike organization, up to getting himself captured to find security in law enforcement as there were several contracts out for him. He is going to make these statements on his own war on drugs and rapists, and to the voluntary statement made by him to save the other person who did the killing of Mr. Bradford and Mr. Arnold. He said that he feels that all testimony of the defendant, Thomas Eugene Creech is important, needed and necessary to combat proof submitted by the State.

The court said that he would like some guidance here.

Mr. Robinson said that he felt constricted by the courts ruling and wants now to make a complete disclosure of the life of defendant so jury can have the complete picture before them.

He would like ruling on expert witnesses of Satanic Cult and bikers, as to his restriction to witnesses.

He will make and Offer of Proof after the testimony of defendant and anticipates expert testimony will be called on all sessions on polygraph and sodium pentothol tests by the State, these will be submitted to the court before producing witnesses.. He said that he anticipates the direction of the State and those witnesses requested to recall will be to establish crimes discovered by officers and that they have personal knowledge of.

The court said that he intends to adhere to his original ruling, there will be no testimony in this that isn't relevant. In the opening statment it was said that any testimony about cults were going to have proof to prove relevant to this case. He recognizes that Mr. Robinson would be able to go into the back gound of defendant as a foundation for expert witnesses as to psychiatrists, not demon cults.

Mr. Robinson said that he must make the jury understand why this voluntary statement was given.

The court stated that complusion not a defense.

Mr. Robinson not offering complusion as defense in Idaho but in other killings that were done under complusion until he broke away.

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Mr. Thomas said that the defendant is required to submit an Offer of Proof on all testimony going into. The problem arises as some material made by defendant on discovery will report fact that are untrue. He thinks the defense of the defendant is completely wrong. As to the clergymen he feels this is irrelevant and should not be submitted unless there is some Order to Show Cause. If this defense is to be made must be some showing other that a statement that he didn' do it.

Mr. Robinson said that the jury has the right to hear both sides of this. He has tried to demonstrate to the court that he is not coming down irrestponsible. he feels that the whole story must be told as it takes all the details to get to the jury so they can make a determination if the defendant is guilty or not guilty.

The court stated that he has only given two reasons why this material is relevant. He said that he cannot see why statement should be in evidence when the court will not allow evidence. Can't see why massive detain to combat voluntary statement, or mental defect.

Mr. Robinson said that he can assure the court that the basic testimony on mental defect is necessary to lay foundation as to defendants life after joining cult.

The court said that it would limit psychiatric to findings of mental defect in n finding of mental disease, this would be so ruled, foundation must be layed first.

The court said that an Order of Proof has to be reversed, have psychiatrist testify and say he has mental defect.

Mr. Robinson said that Dr. Heyrends is not available until next week, and he is the only witness to lay the way, if defendant not allowed to testify first, then other police officers.

The court said that he felt that Mr. Robinson was embarking on a highly and extremely dangerous task and dangerous to client, feels that this could prejudice the jury and not accomplish one thing, if psychiatrist not allowed to testify. The court advised the defendant that any evidence given here could be used against him in other areas, so give this special consideration.

Mr. Robinson said that he has told the defendant this. He said that he has not changed the facts that existed when he came on this case. He feels his duty as defendants attorney to save his life, to bring out this entire matter.

The court said that he hasn't resolved how far Mr. Creech will go in his testimony.

Mr. Robinson said that he has never been involved in a case as this. He assured the court that he is abiding by the rules and not attempting to make spectatular matter of this case, he honestly believes that this is the only chance that the defendant has to relate entire matter as stated.

The court said that he is advised that defense intends to put on any relevant testimony for defendant on the commission of his acts and the voluntary statment. He feels that in ruling on this he feels bound to establish rules, he is not going to state that under this ruling that the defendant is going to be allowed to prove all you plan to, he doesn't know how he could.

Mr. Robinson said that he would attempt to prepare opening statemant in a restricted way.

Mr. Thomas said that defense attorney in light of representation of Dr. Heyrends testimony, that the reports have been submitted and it appears now unlikely that mental defect can be proven.

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If the statement does not conform to the opinion of the doctor, he will be putting something in not included at all.

The report of Dr. Heyrends will be handed to the court.

Mr. Robinson said that in a conversation with Dr. Heyrend, he stated that he failed to cover the area of the last ordered examination which took place Sept. 25th and 26th, at which examination Mr. Wickersham and Mr. Palmer were present.

Court recessed at 5:20 p.m.

NINTH DAY

One Hundred Ninety Ninth
October 16, 1975
9:30 o'clock a.m.
Present as before

The court said that in view of the fact that counsel required some guidance in this case, and in order that defendant does not claim through 18-201 mental desease or defect, the court will not permit any psychiatric report based on past conduct.

The court has previously ruled that the State cannot prove crimes in other jurisdictions without the defendant opening up the opportunity, if this happens then the State can come back in rebuttal and prove this.

The court said that no results of polygraph or truth serum will be admissable in this case.

Mr. Robinson made a statment that in going into his case and if he fail in disclosure he is opening a pandora box and the State can open this up on rebuttal on out of state crimes.

Court this is correct.

Jury was returned and it was stipulated all were present.

Mr. Robinson made his opening statement to the court and jury.

Thomas Eugene Creech, defendant was called sworn and direct examined by Mr. Robinson. He stated that Thomas Eugene Creech is his true and correct name. He understands were he of the mind that he is not made to testify in this matter, if he does not want to, but he does so wish to testify in this matter.

He said that he was born in Dayton, Ohio on Sept. 9, 1950. His parents names are Zola Faye Creech and Harold Dean Creech, they lived in Dayton, Ohio for five years then moved to Mount Orab, Ohio where he attended the first eight grades of school. He has a half-sister, Eddie and a half-sister Brenda, a sister Virginia and three bothers Bill, Jim and Joey. They then moved to Lebanon, Ohio, and from there after about a year and a half they moved to Hamilton, Ohio. He said that he continued to go to school, but stopped in the 11th grade.

He described the home they lived an the family, he said that his mother and father frequently fought and were always on the verge of separating, that they finally divorced in 1969 or 1970. He said that his relationship with his father was fairly close, that he got along better with him than with his mother. His father was in heavy equipment business and his mother ran a pizza place. Both of his parents drank alot and fought, sometimes psychial fights. One time when it was Xmas and the entire family was ther, his Aunt tried to kill his mother.

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Mr. Robinson asked the defendant if he had been baptised and when? Defendant said that he had been baptised in the Baptist Church around 11 years of aged, in Williamsberg, Ohio, with his sister, mother and 2 brothers, then in the Church of Christ at the age of 13.

Mr. Robinson asked the defendant if he had ever killed a human being? Defendant answered that he had. The first person was Danny Johnson, he knew him about a year before his death. He said that he had a girl friend called Sandy Scott and she went out with Danny and one of the times she was killed in an auto accident in a car driven by Danny, both of them were loaded on drugs. He said that he and Sandy had planned on being married. After the death of Sandy this turned him against drugs completely. He said that he had tried drugs and also drank alot. In August 1966 he went swimming, with a bunch of kids and Danny was with them, this was in Miami, Ohio. He had always felt that Danny was responsible for the death of Sandy, so he drowned him and disposed of the body by weighing it down with sand bags and putting in a bottomless gravel pit.

He then went on a trip to California by forging a check on his parents account for the amount of $500.00. He traveled by bus, taking 10 days to get to San Francisco. He had no friends or relatives there so stayed the first night in a bus depot, the second day he walked around and met a girl and went home with her. That night some black men jumped him and took all his money after beating him up. Having no money he went out on the streets and tried pan-handling. He met Larry Ramsey, a/k/a Crasy Larry and established a friendship with him. Larry took him to a Hospitality House, which is a half-way house for people to go and get food, there is also alot of drugs there. At this house he met Raymond Ramsey and Leroy Fields. He said that there were alot of drugs in Union Square Park and he was asked if he wanted some, and ended up at this Fields house. While he was there this fellow made improper advances towards him, so he killed him. He took his money and what baluables he could find. He was 16 years old at this time.

After that he wired his folks, who sent him money enough to get back to Hamilton, Ohio. Things went alright for about a week or two and then he and his father got into an argument over the forged check. He arranged to repay him and went to work at different jobs, such as fry cook and gas attendant. He was fired from the restraunt as the safe came up missing $40.00. He then went to Dayton, Ohio, where he met up with Freddy Richardson, who was with the Chapter of the Outlaw Motor Cycle gang. He became a member of the Outlaws. On becoming a prospect member he was required to do so many contract killings. He gained the rank of Chief Enforcer after filling his five contracts. You had to be a prospector in the bikers before getting your patches and colors in the gang. He told about the five contracts. The first three contracts he said that he was given a location and went there to some house, he walked in the door and all three person in the contracts were sitting on the floor, all flaked out on drugs, so he shot them. The other two contracts he gave a dose of bad drugs and they both died. This fulfilled his five contracts and he was advanced to Chief Enforcer. This meant that he instructed other members in fulfilling contracts and their duties. He was to make sure that any contract handed down was carried out.

He was asked if the Outlaws engaged in drug Traffic? He answered that they did.

He was asked if there was any particular religion of the Bikers?

He answered not really, all of them are not in the Satanic Worhipers. He said that he was introduced to the Satan Cult on his first trip to California, he became a member in 1968.

Approved

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On Sept. 27, 1967 he went into the Army, he had his basic training at Fort Bening, Ga., he was there for 8 weeks and graduated as Buck Sgt.. He went home on leave for 14 days, and stayed 30 instead. During this time he married Imogene Fredricks on January 3, 1968. As a result of his marriage he got an extension on his leave, but still overstayed this leave and was AWOL. He was caught by Hamilton detectives and sent back to Georgia for more training. He was sentenced to six months at hard labor and a 2/3rd pay deduction. He went AWOl again, after his wife called and said that she was having problems and was pregnant. He tried to get leave and couldn't, so went suyway. He was gone approximately one month again, and picked up by the Hamilton authorities and returned to Kentucky, to the Federal Holding Facilities at Fort Knox stockade. He was given a special court martial and got six months at hard labor and a 2/3 pay deduction cust again. He spent 60 days and lost his pay, then returned to active duty. Right after his release he went AWOL again and went to Hamilton, Ohio, then to Ventura, California. Two months later he was arrested for being drunk on a public freeway and returned by the State Police and put in the marine brig, in the Fort Riley Stockade. He was given a special court martial again and got six months at hard labor and a 2/3 pay cut. He again went AWOL and went back to Ohio, he was picked up and sent to Fort Benjamin, then to Fort Riley and given another court martial. He tried to escape from there but he was not successful and received a further sentence. He then tried to cut a Guard with a razor blade, and spent one month in maximum security. He was sent to Fort Leavenworth to the disciplinary Bureau, in Kansas and sentenced to a total of 18 months to 5 years. He served most of this until he escaped in Nov. 1968, with two other men, one of these was Charles Engleberger, they went to Norton Kansas to Charles sisters house, by stolen auto. Charles turned himself in and he went on to Ohio, using another stolen car and traveling at night. He got to Hamilton, Ohio and sold the stolen car to his brother, Bill. He was again picked up in Dec. 1968.

While he was in Ohio at that time he was involved in the killing of another man called Ski. He said that he and this man were at a Village Inn drinking and this Ski made derogatory remarks about his wife so he shot him with a 32 automatic.

On Sept. 22, 1968 his child was born, named Cricket, and on the last AWOL trip he and his wife were having problems and suing for divorce.

Jury was admonished and excused.

Court recessed 10:35 a.m.

Court reconvened 10:47 a.m.

Jury returned and it was stipulated all were present.

Mr. Robinson continued to question the defendant. He asked him if the body of Danny Johnson had ever been found? Defendant answered that he was not sure. He was asked if the body of the homo sexual in Calif, the persons killed on the five contracts or the body of Ski had ever been found. He said that he was not sure, that when he shot [illegible], he just let him lay where he had been shot.

He was picked up on Dec. 2, 1968 and returned to Leavenworth to do the remainder of his sentence. On June 4, 1969 he was discharged with an Dishonorable Discharge. He said that he had been granted some clemency, as one of the gurards had been bringing in acid (LSD) and one of his friends had died from the drugs, so he went to the security officers and they gave him money to make an buy and for helping them he was granted clemency and was totally discharged. He then went back to Hamilton, Ohio and went to work.

While he was in the service, Freddie Richardson had been stripped

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of his colors in the Outlaws. After he got back from the service he made a couple of drug runs for the Outlaws.

He was arrested on July 27, 1969 for committing armed robbery, along with him was his brother Bill and a Clifford Smith. He made a plea bargain and he entered a plea of Guilty to unarmed robbery and was given a sentence to Ohio State Penitentiary, sentencing on Dec. 11, 1969. He was taken from there to the reformatory in Mansfield, Ohio, along with his brother Bill. At the reformatory he got into a couple of fights with a lifer who tried to make a sissy out of him. He threw hot tea on him and they sent him to the hole for 30 days. After that he was transferred to Lebanon Correctional Secutity, where he picked another fight and was sent to Lima State Hospital for the criminally insane on July 14, 1970. Before he was sent to the Hospital for the Criminally Insane he was at Chillicothe Prison, and during this time his mother and father came to visit him, while on one of those visits his father had a heart attack and died. He said that he tried to help him and he sent for an inmate nurse to get oxygen for his father. The nurse took his time and it was 27 minutes before he got there and his father died in the mean time. He tried to kill the nurse then tried to hang himself, this is why he was sent to the Mental Hospital. He was in Lima State Hospital from July 14, 1970 until Sept. 14, 1971. He said that wierd things really happened there and he explained this to the jury. He said that he was put in the strong ward for a couple of months then worked under supervision, then tried to escape and was put in maximum security, then put in hospital ward and worked with old men, while there was in quite a few fights, then he was transferred back to Chillicothe on Sept 14, 1971 until Dec. 2, 1971, he was then put on parole and was not supposed to leave the State. There were other conditions of this parole as he was to find work , was not marry without permission, could have no firearms and report to his parole officer twice a week. He said that he got work for a furniture auction but quit because of the pay. He then worked as a tree surgeon as an apprentice for two months. He was reunited with his mother who had remarried a Donald Glubber, they were living in Hamilton, Ohio. His next employment was in running drugs from State to State. He became involved through this brother with Peter Simons who was one of the bikers. He ran drugs for the bikers out of Dayton, Ohio to Indianapolis and Salt Lake City. He got the cars that these drugs were transported in from the people he worked for, which was company called Acon. He ran drugs in the fall of 1972. Before that time after he was released from prison he killed a person called Cary Whitesell who had at one time stolen $200.00 from his father, this took place at Four Mile Creek on the outskirts of Hamilton, he shot him with a 22 pistol and threw his body in the creek. He killed six other persons during this time, one in Covenington, Ky, a Don Anderson in Newport, Ky and four others all of whom had done something wrong to his father.

He stated that he had attended rituals in the Satanic Cult consisting of human sacrifices, two in Salt Lake, 2 or 3 in Ogden, Utah, two or three in Tulsa and two or three in Beaver, Utah, these persons were killed by priests of the Order but he was in attendance.

Regarding his work in drug traffic. He said that after his first trip to Indianapolis and Utah, he made trips for Acon Auto Transport Agency to a Harry Schaffer and a Glen Richards. He said that he received personal instructions from each man he worked for in drug traffic.

Mr. Remaklus asked if theses are just names as they are all lumped together, he dosen't know who people are, foundation must be laid.

Approved: J. Ray Durtschi
District Judge

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STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant | Docket No. 970

October 6 1975

(CONTINUED)

Mr. Robinson stated that this was at the time defendant was employed running drugs and connected to the bikers group.

Defendant asked the defendant if there was any control over the bikers group on this drug traffic? Defendant said that the Nation counsel would have to agree which chapter was to do the drug running. His actions were controled by this counsel.

He said that Leroy Purtle, a man that he met in San Francisco on his first trip, was a friend who taught him to live on the streets. That Raymond Ramsey was the person who taught him how to hot wire a car. Tom Carey was one of the people he killed who kidnapped his second wife, Thomasine. He said that he met Thomasine in Oct. 1972 in San Francisco. She was a run away from home and she came by his place and stayed and they started to live together. He said that Tom Carey had offered him a job driving a car for $20.00 per day, selling watches. While he was driving for him he took Thmasine and kidnapped her, took her to Garberville, Calif. While he had her he raped her. He said that he went to the State Police after the kidnapping. He said that Tom Carey called him and told him where Thomasine was. He said that he saw him in Oakland in Feb. 1973 and that was when he killed him, by shooting him.

He said that he married Thomasine on March 3, 1973 at Portland, Oregon.

That he was supposed to have killed Paul Schrader, and he was tried for it but acquitted. He said that he was present when Paul Schrader waskilled in Tuson, Arizona. He said that Sanchez was also killed, by stabbing eleven times and cutting his throat three times. He said that he was charged with murder and tried for it, but not convicted. He said that he had contacted Paul Schrader for the the purpose of killing Sanchez. Paul Schrader was in drug traffic too. He had personally received instructions on the death of Paul Schrader from national counsel.

Jury was admonished and excused.

Mr. Remaklus objected to relevancy of this.

Mr. Robinson said that he feels this is relevancy in this, as the defendant was tried and aquitted for murders of Schrader and Sanchez, and feels the results of this acquittal in Arizona valuable to results here in this trial.

The court said that it can see no relevancy.

Mr. Robinson made statment to the court.

Mr. Remaklus said that this series of events is strictly irrelevant, no bearing on this charge, just attempting to add names and flavor on a story far afield from this charge.

Mr. Robinson as a result of Paul Scharaders death events followed regarding Thomasina. There were 2 other deaths in Tuson on the basis of Schraders death.

The court said it could not understand what this trial had to do with all thses facts.

Mr. Robinson said that he felt that it was very relevant.

Mr. Remaklus said that there is no explanations that goes from one death to another.

The court made statement.

Mr. Remaklus said that he didn't think that the story was going to be this prolonged.

The court stated that it understands that mental defect and mental disease but feels that this should be dealt with directly, why all these stories on killing?

Jurors were returned and admonished for lunch.

Court recessed 11:45 a.m.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant | October 6, 1975, Date

(CONTINUED)

Court reconvened 1:15 p.m.
Jurors returned and it was stipulated all were present.

Mr. Robinson continued questioning. Defendant said that shortly after he was acquitted of the murder charge in Tuscon and the one in Victorville, Calif he went to Portland, Oregon with Thomasina. Thomasina was under care of psychiatrist because of what had happened to her. He returned to Tuscon to find the man who had help rape Thomasina, a man called Julian Drumbrosky and waited until the man got off work and shot him withhigh power rifle. Then he went back to Portland, Oregon to be with his wife. She got out of the hospital and they stayed in Portland a little while. He was busted on a breaking and entering charge, which was later dropped. While he was in jail on that charge his wife was pushed out a fourth floow window. The officers told him this while he was in jail. He said that the names of some of the men involved in this deal of pushing her out the window.

Defendant was asked if Thomasina used narcotic and dope? He answered that she had.

Defendant after seeing the conditions of his wife in the Mental Hospital, he cut his wrists. and he was placed in the Oregon State Hospital and remained there from Apr 1974 until July 1974, he received psychiatric treatment while there, including medication and electric shock treatments. Prior to his being placed in custody in Salem, Oregon he had used drugs and narcotics so was put on a methadone program. He was asked what drugs he had used and he said heron, speed, marijuana, acid (LSD), cocain, Methadone, window pane acide.

During his custody in the Oregon State Hospital he was allowed week end passes, on one of these passes he completed a contract on Vivian Grant Robinson. This contract was from the National Counsel and was ordered because of money taken from national counsel on drug runs. After he left the hospital he went to Protland, Oregon and stayed there until August 1974. He killed JO JO a rival biker because of personal reasons of his involvment with Thomisine. He killed Joe Daga, from Seattle, Wn. which was not his true name because of involvment in death of his younger brother. Then there was a order from the national counsel which he took with his brother-in-law, Rodney Nelson, and a David Crance was killed and his body was disposed of in a burial grounds at Beaver, Utah.

He said that during period of Sept. to Dec. 1973 he was working as assistant manager of the ElBembi Cafe, during this time he was arrested for the murder of Paul Schrader. He was making drug runds during this period of time. He also went to Old Mexico to obtain drugs, he did this in the plane owned and flown by Peter Simons. He was still filling contracts at this time. there were two people in Aurora, Colorado one in Salt Lake and a man called Red at Jackson Hole, Wyo. He also attended sacrifices outside the Satonic Temple. He said that this Red was killed bya 270 high power rifle.

He also killed Billy Dean in a church in Portland, Oregon in August 1974. He said that he was a sexton in the church there. He called a friend called Hilby and told him that he was having problems and to come over. Mr. Hilby came to the church, he had a rifle in his truck, so he took the rigle and went back upstairs and shot Billy Dean, as he was one of the persons involved when Thomasine was pushed out of the window.

Mr. Robinson asked if he had killed Sandra Jane Ramsamoog in Salem, Oregon? He said that he was present when she was killed, but will not tell who killed her.

Approved: J. Ray Durtschi, Dist. Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant | October 6, 1975

(CONTINUED)

He was asked if he had killed Gordon Stanton a union organizer in Las Vegas, Nevada? Defendant said that he did, that Stanton was a friend of Peter Simons and a main dealer for drugs. This was a contract from national counsel, they were in a car driving near Lathrop Wells, Nev, and he shot him three times in the head. He said that this was because Lathrop Wells was a dessert, and they pulled over there and he shot him. Stanton owed Peter Simon money on drugs.

He killed Charles Thomas Miller shortly after that time at Butte Springs, Nev.. He said that after he had kille Stanton that Miller was supposed to fulfill a contract by killing him, he found out about it and killed Mr. Miller instead.

Another person that he killed was Rick McKenzie another runner for Aeon, this was in Colorado, present at this killing was Larry (Wase) Johnson. He was shot for running drugs. Wase got the contract and started on him. He was set up and the drugs were ripped off him, he believed that he had been set up by Wase, so he also shot Wase at that time for setting up Rick McKenzie.

He was asked how he was contacted by the counsel? He said that this was through Peter Simons.

He was questioned regarding his actions in New Mexico? He said that he went there in Sept. 1974 to locate drugs, so started there, this was for the organization, he met three Mexicans there and he killed these 3 men. He described this. He was with 2 friends and met these 3 Mexicans, at a gas station, they were members of a Bandito Group, these three started Spanish and he couldn't understand them, he can't remember exactly things are blurry, but he shot the three and disposed of them by a horse corral. He was with a John Boren and a girl, who's name he won't tell.

He said that he also killed a Tom Sage, a/k/a Jerry, on Oct, 1974 in Barstow, Calif, present at this time was John Boren and 2 females. He said that Tom Sage was supposed to know where the drugs were in New Mexico. One girl also killed at that time. A girl with him shot Donna, when she fell Jerry went for his gun so he shot him and they disposed of the bodies in the Calico mine there. John Boy was killed in the same place right after Jerry. He then removed all the boidies in that area to the Blue Ridge State Park. There he killed an elderly couple, there was no order of them.

He said that he also killed Terry, who was a news broadcaster in Missoula, Mont in the fall of 1974, also Terry from Farmington, New Mexico. He doesn't know why now. Said that they were riding in a car and drinking and he grabbed him by the throat and choked him, then wrapped him in a black tarp and dumped him Lolo Creek in Montana also a Jeff Oslo, not sure who he was but it was the same time as he killed two newscastors in Missoula in Oct, 1974. There was a contract out on him, after he shot him put in Lolo Creek.

He also killed Chief (Walter Henshaw) a biker for Banditos because of his involvment with Thomasines accident.

Jury admonished.

Court recessed 2:10 p.m.

Court reconvened 2:20 p.m.

Jury returned stipulated all present.

Mr. Robinson asked him if he had killed others not described here before? He answered that he had.

He was asked if he was personally acquainted with Anton Lavey? He said he was when he joined the Satanic Cult in 1968 in San Francisco, he probably in his presence five times, 2 or 3 of these times were ast the rituals and sacrifices. There was a meeting of the priests under him, he had been ordained as Satanic Priest by La[illegible] San Francisco. He said that in this ceremony of ordination in the cult a priest must swear

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Approved: H. Roger Hunsaker

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH, Defendant — Docket No. 9701 — October 6, 1975 Date

(CONTINUED)

allegiance to Satan and make a pact, this pact is to do his work and volunteer souls to satan. He was asked if humans were ever sacrificed at these rituals? He said that they were and Lavey had performed these sacrifices. He was asked if he helped aid and abet in these killings? He answered that he had helped dispose of the bodies. These sacrifices took place in the temple of the Satanic Church at San Francisco, Calif. and the bodies were taken to another temple. He stated that there was a temple at the McCoy ranch and he was in attendance at sacrificial deaths there, maybe 12 or 15. He was asked who killed these people at the McCoy ranch? He said it depended on what priest was present. He was asked if the priests were connected with the bikers? He answered some of them were. He was asked if he ever acted as priest at sacrifical death ceremonies? He answered that he had at 1 in Ogden, Utah, 1 in Tulsa, Oklahoma and Wichita, Kan 1. He said that he also attended rituals in Ohio, Colorado, Missoula, Mont. and that there is a temple in Burien, Wa. and he has attended rituals there

Mr. Robinson asked how the victims are choosen?

The defendant said that on three times the priest chose the victims, these were people from the church. The reasons for performing the rituals was a duty of the priest under the Order of Lavey. He said that the priests did not know in advance who the victims would be.

Mr. Robinson asked the defendant if he was acquainted with a Gary Hart? Defendant said that he met Gary Hart through Glenn Richards in 1972. the circumstances of this meeting was in a drug transaction and also satanic ritual. He was a senator elect in Wyoming.

Mr. Remaklus objected to this.

The court said he could see no relevancy in this if so to get to the point.

He was asked when he was apprehended at Glenns Ferry, Idaho where he was headed? He said Denver that he had a contract on Gary Hart, this was given him from Simon Peter and the national counsel. He was in Fresno, Ca. when he got the contract. He said that the reason for this contract come from Peter Simons and Glen Richards that during the campaign he campaigned against drugs, he had violated the National Counsel rules, also on the last drug transaction he had not come through with the money. He was asked if he had ever been personally present when Mr. Hart exchanged drugs for money? He said that he had been more than once. This drug transaction with people holding public offices was not just Mr. Hart, there were others. He said that he had been personally present, in July 1973 when exchanges were made at Richard Finance Co., also present was Peter Simon, Governor John Love, John J. Gilligan, Senator Hart, a Mr. Troy and Mr. Spencer.

The court said that before going into details should be a foundation layed, not relevant as far as he could see.

Jury was admonished.

Court recessed 2:45 o'clock p.m.

Court reconvened 3:00 o'clock p.m.

Juryors were returned and it was stipulated all were present.

Mr. Robinson asked if in July 1973, if he retained any rank in the bikers. Defendant answered that he was Nationa President of the Outlaws, he was voted in at national counsel. He related his duties at that time. he said that after the drugs were brought in it was the duty of his chapter to deliver the drugs, these were delivered to different dealers in different states.

He was asked when he first met Tom Arnold? He said that he met him in 1974 at Grand Junction, Colorado. He said that they wanted to get into the drug traffic. He said at that time they delivered a repossed car to the bank for them. He said that Arnold and Bradford were together

Approved

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff) vs. THOMAS EUGENE CREECH, Defendant) Docket No. 9701

October 6, 1975
Date

(CONTINUED)

in Colerado. He next spent time with Arnold and Bradford in Bend and Baker, Ore. He said that he was contacted by one of the chapters at the Pry Hotel, in Lewiston, Idaho where he and Carol Spaulding were for 4 or 5 days. They told him that Arnold and Bradford had a pound of heron and they were supposed make a drop to him at Lewiston. Their first contact was at the NezPerce Indian Reservation, this meeting was pre-arranged and Carol Spaulding was with him, also Dan and another girl. He said that they went into the house at the reservation and discussed what direction they would take. When they left Carol, Dan and other girl rode with Bradford and Arnold and he followed them in the road runner. Prior to the deaths of Arnold and Bradford they went down route 95, to Grangeville,. Whitebird. They stopped at Grangeville, they were not altogether, he was alone in the road runner. The rest were in the 56 Buick. He said that he was not involved with the sale of the battery charger, in Grangeville, that Tom Arnold sold the battery charger. He said that he was still in the road runner at McCall, Idaho, he got as far as Cascade, rest didn't come so he turned around and went back. He said that he didn't stop at Cascade the first time, just long enough to turn around. He drove back to the junction, when he got there Dan, Carol and other girl was standing outside the car, the trunk was open and Bradford and Arnold was already in the ditch. He asked what was wrong, and Carol said "Oh My God they shot him. He said that he took Carol in the Buick to Cascade, the others took the Road Runner to Clarston. He said that they stopped at an old house outside of Cascade, Idaho to rest, Carol was still scared. He said that Carol wanted to call the police, but she didn't know that he was wanted by the Oregon authorities. He said after they rested he drove the car to a spot where it was found, from there they caught a ride to Boise

He was questioned regarding the pound of heron that Arnold and Bradford was supposed to have? He was asked if he ever saw the heron? He answered he had not, but was advised that they had it in their possession He was asked if he ever saw this heron transferred to someone elses possession? He said that he had not, he said that he never saw the heron at all.

Mr. Robinson asked how long they had been in Boise? He said from Nov. 4, 1974 until the day that he and Carol were arrested on Nov. 8, 1974. He told of their arrest by Mr. Hill and Officer Menzik. He was asked if he had the gun and holster in his possession at the time of his arrest? He said that he did not. He was asked if he had it prior to the arrest? He said that he had and put in Carols purse when coming down the road after they left the rest area, before they got to Glenns Ferry. He said that he first had possession of the gun and holster when they left carols mothers home. He was asked if he took the gun from Carols mothers house? He said that he had not, that Carol had. He got rid of the gun at the Nez Perce Indian Reservation, he gave it to Carol but he thinks she gave to Dan. While he was in the Road Runner he had no weapon with him. He took the gun again from Dan at the site of the killings and kept the gun until Nov. 8, 1974, unless they were hitch-hiking, at which times Carol had it in her purse.

Mr. Robinson asked that when he was arrested and taken to Glenns Ferry jail had he prior to that arrest taken any drugs or smoked any marijuana? He said that he had taken three hits of window pane (acid) and all three of them, Mr. Rivers, Carol and himself had some marijuana which they smoked.

Defendant was asked what happened after they were taken to the police station at Glenns Ferry, Idaho? He said that when he was taken out of the Rivers car he gave the identification of Joe Carl Adams, he later told them at the police station that his name was Tom Turner, he had this

Approved:
J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
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(CONTINUED)

identification in the name of Tom Turner belonging to a cousin of his who lives in Jackson, Ky..

He was asked if he remebered the trip from Glenns Ferry to Mountain Home? He said that he remembered fi:st being shuffled around from department to department.

He was asked if he had discussed this murder with Carol? He said one when they were staying at Jim Marsh's house and in the back seat of the police car. He said that he saw the description of the suspects in the Nov. 7th, 1974 paper.

He was questioned about the questioning by police officer after his arrest arrest? He said that there was a session with Mr. Hill, Mr. Woodall, Mr. Maxwell, most of the time he was hand-cuffed to an officer. He does not remember much about the questioning as he was freaked out on acid. He said that the deputies came back in regards to his confession and statement that he had killed Arnold and Bradford. He was asked if he felt he had given that statement? He said that he probably did but that he couldn't remember what he said. He remembers signing exhibit #55, he guessed as it was his signature, but not sure when the statment was made.

Jury was admonished.

Court recessed 3:37 o'clock p.m.

Court reconvened 3:50 o'clock p.m.

Jury was returned and it was stipulated all were present.

Mr. Robinson continued to question the defendant? He asked him if he had examined the signature on exhibit #56 and read the statement. He said that he had read it and it was his signature. He asked him if he made a statement on Nov. 8, 1974? Defendant answered that he had.

Mr. Robinson said that he would withdraw his objections to the excluded parts of the statement and requested that all of the statement be admitted into evidence.

There was no objections by the State.

The court said that exhibit #55 and exhibit #56 will be admitted for all purposes.

Mr. Robinson asked the defendantif he killed Mr. Arnold and Mr. Bradford? Defendant answered that he had not. He said that he was told by Mr. Freeman if he made the statement that Carol would go free.

He made the statement for Carol, Dan and the other girl to protect them. He had a contract out on him anyway and he was tired of his involvment in drugs and the killings. He knew that he was wanted in Portland and Salem, Oregon. He is on the ten most wanted list of the FBI.

He was asked regarding his transportation from Glenns Ferry to Mountain Home and back on Nov. 8, 1974, he said that he does not remember all of it. He was asked if he commented when they passed mile post #94. He said that he may have commented about leaving the car there when they went by. He was asked how long he stayed in Valley County? He said that he was arraigned the day after his arrest and then taken to Ada County and was in the custody of Sheriff Palmer. He said that he was appointed counse a Mr. Ward Hower.

He said that he remembers being questioned about the death of Billy Dean in Portland, Oregon but he is not sure that he admitting killing him, nor is he sure that he said anything in regards to Jane Ramsmoog in Salem, Oregon. He said that his counselor advised him that he should talk to the Portland Officers if he knew anything. He stated that after he was incarcerated at Boise, Idaho he talked to Mr. Mason regarding the Stanton murder in Nev., and they found that body. After that he started talking about everything to Sheriff Palmer and officers from other states, about everything.

Approved:

J. Ryan Bistline

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

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(CONTINUED)

On the first occasion that he left the State of Idaho, was to assist and aid in finding a body, he was with Sheriff Palmer, Sgt. Taylor, this trip was to Wyoming to search for Rick McKenzie and Waco. The bodies were not found.

He then went with Mr. Mason to New Mexico. He said that on this occasion he lied to him about the bodies of the three Mexicans, didn't tell him the right location.

He was asked if he had an attorney at this time? He said that he did not.

One trip that he was on was to Missoula, Mont, with Sheriff Palmer and Sgt. Taylor. They met the Montana officers there regarding the body of a newscastor, who's body had been found before, then to talk about two other bodies that he claimed to have killed. The other two bodies were not found.

They next went to Barstow, California. On this trip was Mr. Mason, Sgt. Taylor. This trip was to the Calico Ghost Mine to try and locate bodies of Donna nd John Boy. This trip was not successful either because he had lied again to the officers. The reason that he had lied was that he wanted to get to the mine as he felt that his mother and step father had been killed and put in this mine, and he wanted to bring his mothers body out himself. He said that he looked in the mine shaft for his mother, didn't find anything.

He was asked why his mother and step father would have been presumed to be in the mine?

The defendant said that the reason he had gone to Kentucky, with Carol Spaulding was to liik for his mother. He said that his grandparents, aunts and uncles were there but he could not locate his mother or step-father at all. After his trip to Ky. they came directly to Lewiston, he said that they came in a Gremlin, this was stolen from a man, he drove this car to Orofinio and shoved it into a park and got a ride into Lewiston, Ida. with some woman.

He was asked about the trip into Calif. and the plane crash? He said that after the plane had settled down and everything was over he had a conversation with Mr. Palmer and Mr. Mason and Sgt. Taylor, but does not remember what was said. He said that he was badly shaken up and any thing he said was spontaneous, he just doesn't remember anything that he said.

He wasasked again if he illed Arnold and Bradford? He said that he did not.

Mr. Robinson asked him if he had reduced to writing on Mar. 8, 1975 the testimony of his lifes history and the events just testified to?

Mr. Creech said that he wrote a manuscript but it is not like the testimony here today, this manuscript was written because he wanted everyone to know just what had happened. This was delivered to Ken Mathew, Mr. Palmer and Mr. Mason. This was partially typed and the writing was his in the reminder of the script. He said that the reason he wanted everyone to know about this, was that all Satino Cults shold be stopped, that all the killings are wrong. He wanted to help other people so they wouldn't follow the same path as he had. He said that during his incarceration he has tried to write many poems. In these poems he related to the killings and the circumstances testified to until this time.

Mr. Robinson asked for a recess so that he might consult with his client, before ending the direct examination.

The jury was admonished and excused.

Court recessed 4:15 o'clock p.m.

Approved: J. Ray Durtschi

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff) Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant) Oct. 6, 1975
Date

(CONTINUED)

TENTH DAY

Two Hundredth Judicial Day
Oct. 17, 1975
9:30 a.m.
Present as before

Mr. Robinson continued to direct examine Mr. Creech. He asked him if during the three or four days that he was in Lewiston, Idaho, prior to Nov. 4, 1974, if he used the phone at the hotel or Mrs. Spauldings? He said that he had that he had called his brother, sister and Peter Simson the Fresno Chapter.

He was asked about his meeting with Carol Spaulding? Defendant said that he first met Carol Spaulding on Sept. 19, 1974 in Fresno, Calif. she was working at the same carnival that he was. Mr. Robinson asked if Carol was what is referred to as his "Old Lady"? Mr. Creech said that at the time that he first met her she was living with someone else, but that they have lived together now. He was asked about his tattoos? He said that he has one on his right hand, a snake and cross, also a cross on his forehead, which is a mark of death. Mr. Robinson asked him about the bikers clubs that he belonged to. He said that he attained the rank of Enforcer nationally and rank of eighth.

Defendant's Exhibit I (Satanic Bible-pocket book) marked, identified and offered

Objection by Mr. Remaklus.

Mr. Rbonson questioned Mr. Creech on exhibit? He asked if the book contained doctrine followed in the Satanic Cult? He answered that it did, that the documents are responsible for many of the activities.

Mr. Robinson re-offered exhibit I.

Objection by Mr. Remaklus.

Court sustained.

Mr. Robinson asked if since his incarceration in Ada County Jail, how many visitors from different faiths have visited him? Defendant answered there had been. He said that he used to be a member of the Satanic Cult, now is undecided between God and Satan.

He was asked if at any other time he had ever been placed under oath regarding this trial or charge against him? He said that he had been at the arraignment proceedings. That prior to the trial set on May 20, 1974 he had submitted to many sessions of questioning propounded by officers both Idaho and out of State Officers. Some of these tests were under drugs and one was polygraph tests. He voluntarily submitted to a session by hypnosis.

Mr. Robinson said that was the end of his questioning.

Mr. Remaklus cross examined the defendant. He asked him who was the first person he killed? He said that this was Danny Johnson and he was 16 or 17 years old at the time. He described Danny as being a sissy, no class, no heart or queer. He drowned Danny because he killed his girl friend Sandy Scott. After that he took off on a sight seeing trip towards California. He said that he had trouble in San Francisco. He was asked about his acquaintance with Freddy Richardson? He said that he was shot in Portland, Oregon. He was asked about Gene Hillby? The Defendant pointed him out in the courtroom, said that he knew him before he was in Portland. Mr. Remaklus asked him when his daughter, Cricket was born? He said Sept. 22, 1968. He asked where she was now? The Defendant said that she is with her mother, they were in Brentwood, Cal. don't know where she is now. He had a l[illegible]tter while in Ada Co..

Approved

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

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STATE OF IDAHO, Plaintiff) Docket No. 9701

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Mr. Remaklus asked him if he had written a letter to Miss Plowmand, about [illegible] daughter Crickets kidnapping? He answered that he had, he asked her for $5000.00, but never got any maoney from her. He said that he told his attorney the same thing and got $1000.00 from him.

Jury was admonished and excused.

Mr. Remaklus made an Offer of Proof, he said that he will show that the sum of $1000.00 was given the defendant, at the request of the defendant, this money was given to defendants brother, who brought an auto and then left the area.

Mr. Robinson objected to this, he said that it is a violation of client-attorney relationship.

The court sustained this objection

Jury was returned and it was stipulated all present.

Mr. Remaklus continued examination of Mr. Creech to the number of killings he had testified to and if they had been done for money? Mr. Creech said that some of them had been. He said that the killings ordered by the National Counsel, he had no control over. He was asked how many were ordered by National Counsel. He was asked about Leroy Fields? Defendant said that he was not dead. Mr. Remaklus asked him about the five in Dayton, Ohio. He answered that there was no money connected with these killings, but he gained the rank of Chief Enforcer for those. Mr. Remaklus asked him about other contracts. Defendant said that in Ohio, Ski there was no contract, that Carey Whitesell, was not for money nor on a contract, after that there were six others in Ky.. Donald Anderson was not for money, he was one of the persons that had done something to his father, and there were four others that he wasted that had done something to his father. Tom Carey was no money, Paul Schrader of Arizona he was paid money for information $1500.00, not the killing.

Mr. Remaklus asked if he had ever made a statement saying he had received $10,000.00 to seek out Paul Schrader? He said that he had.

Plaintiff's Exhibit No. 65 (statement) marked, identified, offered and admitted.

Mr. Remaklus asked if instead of $10,000.00 if he only received $1,500.00? He said that this was true.

Defendant said that after Arizona he Sanchez, this was not a contract and was not for money. He said that there were two men in Tuson that had raped his wife, Thomasine, there was no money involved for those. He said that there was a Vivian Grant Robinson that was for a contract and he was paid for this. In Aug. 1974 there was JO JO who was a rival biker, there was no contract nor money for him. He said that JOjo was a deaf mute. In Seattle, Wn. there was a Joe Dega there was a contract, but this was also for personal reasons. There was also a David Craneo, who was shot in the leg when he was in Seattle, Wn, later killed and put in burial grounds at Beaver, Utah, there was no money for this. He said that he received money in Mexico, Salt Lake City and Aurona, Colorado killings, not sure how much. He was asked about Red at a dude ranch? He said that this killing was ordered by national counsel, but he did it for personal reasons, no money. Waco was personal reason, not contract. Billy Dean in Portland, Ore. was not a contract.

He was asked if he had started writing manuscript of life story? He said that he had. He was writing this to help others, he was asked if all of it was correct? he said it was not

Approved:

J. Roger Robinson

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CREECH Defendant

Docket No. 9701

October 6, 1975
Date

(CONTINUED)

Mr. Remaklus asked the defendant if he killed Billy Dean in Portland in Aug. of 1974? He said that he had. He was then asked if he had not gone on to Salem, Ore and killed Jane Ramsamoog? He said that he was in Salem, but had not killed her, he knew who did, but will not say. He was present at the time Mrs. Ramsamoog was killed, this was in the store room of a grocery store, the store was being robbed at the same time. There was another person, but he won't tell who it was.

Defendant was asked if Linda Crandall was with him in Salem, Ore? He said that she was.

He was questioned about the killing of Gordon Stanton, in Las Vegas? Defendant said that he was a union organizer, and this was a contract killing, he was paid for it, he didn't remember how much. He was asked if he hadn't told Mr. Mason and Mr. Palmer that Gordon Stanton was going to Montana to have open court surgery, and that he had bummed a ride with him, as he wanted to go west, that both of them had become intoxicated and had been stopped by the State Police in Nevada? He said that he had not told them this. That he was supposed to kill Stanton so he did this by shooting him three times.

Defendant said that he kiled a Charles Peter Miller, he had heard that this man was supposed to kill him, as Peter Simon was lossing confidence in him. So he killed this Miller.

He was asked if he knew someone called Jenny? He said that he did, first met her in Beaver, Utah, at the time of Charles Peter Millers death. She was present at this killing. Mr. Remaklus asked if it had been her that lured him into the Blue Diamond Mine? He refused to answer this.

Defendant said that the killing of Rick McKenzie was a contract, but no money for it. He said that he shot Waco at the same time he shot Rick, about 100 yards down the road, this was in Wyoming, about 20 miles from Banks.

He testified that he killed 3 Mexicans in New Mexico, this was not on a contract or for money. He said that these three bodies were some that Bud Mason went to look for with him, but found nothing.

Jury was admonished and excused.

Court recessed 10:30 a.m.

Court reconvened 10:43 a.m.

Jury returned, and it was stipulated all present.

Mr. Remaklus questioned the defendant regarding a Tom Sage in Oct. 1974 at Barstow, Calif?

Plaintiffs Exhibit No. 66 (photo) marked, identified, offered and admitted.

He was questioned regaring the killing of "John Boy"? He said that he did this, but got no money for this.

Defendant testified that he killed three men in Montana, there were no contracts on them, their names were Jeff Oslo, Walter Curtshaw a person called Carey and then there was a newcomer called Terry, who was the first one he killed in Montana. There wer no contract on any of these men.

He was asked if he had talked to a detective, William Scorzano, and told him about 100 bodies buried at the McCoy Ranch? The defendant said that he had talked to him, but there was not that many bodies.

Plaintiff's Exhibit #67 (letter) marked, identified, offered and admitted.

Mr. Remaklus asked if the letter stated that the organization was holding his wife and daughter? He answered it did.

Mr. Remaklus then questioned him about Nov. 3, 1974. He said that he was in Lewiston with Carol Faulting, they left Lewiston and met Arnold and Bradford, by the Nez Perce Indian Reservation. [illegible] he met

Approved: J. Ryan Duffield

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

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STATE OF IDAHO, Plaintiff) Docket No. 9701

vs.

THOMAS EUGENE CREECH Defendant) Oct. 6, 1975 Date

(CONTINUED)

Arnold and Bradford he was driving a '69 road runner, that he stopped and talked to the two men, but did not get in the car with them, that they were driving. He continued to testify that they left the Indian Reservation about 6:00 or 6:30 p.m. and drove to Grangeville. In Grangeville Bradfor, Arnold, Carol Spaulding, Dan and another female stopped to get gas and beer. He was asked how many beer he had, and he said he didn't remember. He was asked who sold the coat to buy the beer there? He answered that he didn't know. He said that as far as he knew the coat was sold in Whitebird, after the battery charger was sold. They then drove through McCall, Ida to Cascade and then he found out that the other car with Arnold, Bradford, Carol, Dan and other girl was not with him, so he was alone in the road runner and he turned around and went back to the death scene. He said that the bodies had already been removed from the car by the time that he got back there. He was asked how long he was at the scene where the men were killed? Defendant answered that he did not remember, but when he left, he and Carol Spaulding left in the green Buick and Dan, and the other girl left in the road runner. He was asked where the they went and who the other girl was? He said that he wouldn't answer that question.

Mr. Remaklus asked that the court instruct the witness to answer the question?

The court said that the defendant would answer the question.

Mr. Remaklus asked the defendant who Kathy Spaulding was? The defendant answered that she was a sister of Carol Spaulding, age 16.

Defendant was asked what he did when he left the death scene? He said that he and Carol drove the green Buick and headed South, that he let the others have the road runner. He said that the road runner was a hot car, that he took from Lewiston the day that he and Carol left Lewiston. That Dan took this car and he and Kathy went back to Clarkston in it. He was asked if he had stopped at McCall before going past the death scene? He said that he didn't know. He was asked if it was dark when he left Grangeville? He answered it was. Was it dark when he left the death scene? he said that it was. He was asked how long they were at the death scene? He said that he did not know. After they left they stopped at Cascade for about one-half hour, wanted to rest, but only stayed a few minutes then went on to Cougar Mountain Lodge, and rested there, it was day light when they left there. Carol and he headed for Boise, there they met Jim Marsh. He was asked if he and Marsh robbed a 7-11 store in Boise? He said that they had and that is where State's Exhibit #22, the gun was used by him. That is where a man called, Joe Carl Adams was the clerk and robbed, he took his identification, the same he used at Glenns Ferry when arrested.

He was questioned next how he traveled to Glenn Ferry? He said that they rode into Gelenns Ferry with Stevn Paul Winters, who picked them up on the interstate. He said that he remembers Mr. Rivers and Carol going in a cafe for coffee and recalls being stopped by the officers, they were taken to the police station where he talked to Officer Freeman, they were then transported by officers to Mountain Home. He and Carol rode in the back seat of the police car on the way to Mountain Home. After they arrived at Mountain Home he met investigator Woodall.

He was asked if he made a voluntary statment there? He said that he had. This statement was made in the presence of Mr. Woodall, Mr. Maxwell and Mr. Hill was there part time.

He was asked if his rights had been given him? He said they had been read to him, but he does not remember signing these.

Approved

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff) Docket No. 9791

vs.

THOMAS EUGENE CREECH Defendant) ~~Oct. 6, 1975~~

(CONTINUED)

Mr. Remaklus asked him regarding plaintiff's exhibit 56, if when Mr. Woodall said that he was investigating a double murder, if he answered in response to this, "I did it, I did it? Defendant answered that he had. He was asked if this was written down, what he said? The defendant said that he had. He was asked if these were his initials on exhibit #56? He said that they were. Mr. Remaklus asked that after Mr. Woodall had written down the statement of defendants, if they had not gone over it together, and where the lines were drawn if he had initialed them? He said that he was not sure. He was asked if that was his initials after line two, saying "I need help"? He said that it was. He was asked if that was his signature at the bottom of each page? He said that he thought that it was, as he writes like that sometimes. He was also asked if he was told to make any corrections, he felt necessary in the statement? He said that he was. After a sentence "I shot Wayne,(where Wayne was marked out and Tom written in), also where it reads "Wayne had a knife and came at me so I shot him 3 times" was his initials after this line? He said that they were. Mr. Remaklus said as a matter of fact, you and Carol shot Tom Arnold one time, and Wayne raised up in the back seat and he was shot three times? The Defendant said that this was not true, he didn't shoot either of them.

Defendant was asked if it was his signature appearing on the bottom of pages 3, 4, 5, 6 and 7. He said that it was.

Jury was admonished and excused.

Court recessed 11:30 a.m.

Court reconvened at 11:40 a.m.

Jury returned and it was stipulated all were present.

Mr. Remaklus continued to question the defendant regarding the plane crash? Defendant said that he couldn't remember much about it.

State's Exhibit No. 68(Poem) marked, identified, offered and admitted.

Defendant was questioned regarding a letter to Gene Hillbee, after this trial started? He said that he did write the letter, but it was not to influence the testimony of Mr. Hillbee.

State's Exhibit No. 69 (lett) marked, identified, offered and admitted.

Mr. Remaklus asked him about the letter that he wrote to Carol Spaulding? Defendant said that he wrote the letter, but he didn't ask her to lie for him, but to come forth with the truth. He wanted to know why she told, that he was going to shoot her if she ran away from the car when the two men were shot. He didn't ask her to say that Dan and the other girl shot the two men, Bradford and Arnold, but to tell what really happened.

Mr. Robinson re-direct examined the defendant. He said that in regards to Paul Schrader killing, how much money did he receive? Defendant said that the total contract was for $10,000.00, but he only received $1,5000.00, this was paid by Peter Simon. He was asked what would happen if he failed to complete a contract? He answered that his colors would be taken away and a contract would have been put out on him.

Witness excused.

Mr. Schrieber was called, and direct examined by Mr. Robinson. He was asked if he previously testified that during the 4 or 5 days that defendant was in the Spaulding house with Carol, there were phone calls and how many? Witness answered that there were a couple, made by the defendant, he was not sure. He was not even sure of the exact number of days they were at the house. He was asked how long a time had it been

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

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prior to discovering the loss of the gun and holster (exhibits #22 and #23) that he had checked it before? He said that he had seen it that morning, when he was checking the money that was also under the mattresss that was on Nov. 2nd or 3rd, he can't quite remember the day now. He was asked if Carol had changed her clothing in his room on Nov. 3, 1974? He said he didn't know, he didn't see her.

He was asked about the relationship between Mrs. Spaulding and Kathy, her daughter, was she having a great deal of difficulty and was Kathy on drugs. He said that he didn't really know as he never saw anything, and he has never seen her take any drugs or smoke drugs.

He was asked if before Sept. 1974, if Carol Spaulding had came to the Spaulding home with Gene? He said that once she left with a Gene, they came in a car, and it broke down, so they left with pack sacks on their backs.

Mr. Remsklus asked who Gene was? Mr. Schrieber said that he didn't know. He came again with another fellow after this trouble started.

Jury was admonished and excused for lunch.

Court recessed 11:55 a.m.

Court reconvened 1:30 p.m.

Jury returned, it was stipulated all present.

James Maxwell, previously sworn was called and examined by Mr. Robinson. He was asked when he was first assigned chief investigator for this case? He said at the scene of the murder. He later went to Mountain Home on Nov. 8, 1974. after the defendant and Miss Spaulding had been apprehended. He was asked how long he was with officer Woodall and the defendant? He said that he was with them from about 2:00 p.m until 4:00 p.m., before that he was with Miss Spaulding questioning her. He was not present when the defendant made statement, but was present when his signature was applied to the statement, and just at the beginning of the making of the statement when he said "I did it, I did it". He said that the defendant was near tears and nervous at this time.

He was asked if he had made any discovery about the Buick being in New Meadows, with four people in it? He answered that he had, that he had contacted the owners of the car and found out that five people had been there, but were not the five people connected with this matter. This was verified.

Mr. Robinson asked if in the course of his investigation did he check out the whereabouts of the road runner, or did he know one was involved until this trial? He said that he learned about it during his investigation.

Officer Maxwell was excused.

Bud Mason, previously sworn was recalled and examined by Mr. Robinson. He was asked when he first came into contact with the defendant? He said that this was on Nov. 8, 1974, at Mountain Home, Idaho. He said that he helped with the investigation and helped transport the defendant along with Carol Spaulding to Cascade, Idaho. He said that he talked with the defendant on the way from Mountain Home to Cascade, Idaho. He said that the defendant had been given his miranda warning before this questioning. He said that while he was talking to defendant on the way back to Cascade, defendant told him that the fellow in the back seat threatened him with a knife, so he shot him. He also said that he killed Gordy (Gordon Stanton) in Nevada. He said that this was not the first time he had heard of Gordon Stanton. Before he had received a phonecall from Stantons mother, looking

Approved

J. Ray Callahan
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

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for him, as he was enroute to be with her while she had open heart surgery. She saw his picture on Tv, and called the State Police in Boise, Idaho. The Defendant was supposed to have been the last person seen with Stanton, so he asked him about it. Defendant told him that he had been introduced to Stanton through Ernie Small. Mr. Robinson asked if he had questioned the defendant of the location of Stantons body? He said that he had. Mr. Robinson then asked him how long was it before they checked the matter out? He said three days later and that a body had been located. He was asked if there was any other conversations regarding killings? He said there was not. He said that he had contacted the defendant many times while he was in Ada County Jail, regarding out of state killings. The next out of state matter was in Oregon, and through information two bodies were found. He asked if any other bodies located through information from defendant? He said that there was not. He said that his first trip out of state with the defendant to locate body was to Albequeque, New Mexico in Feb. 25, 1975. This was to search for three Mexican he alleged to have killed. No bodies were found. The next trip was from Boise to Calif. this was not successful either. He was asked if he ever went to Wyoming or Montana with deft.? He said that he had not. Mr. Robinson asked if while they were in New Mexico if any positive identification had been made of defendant? Mr. Mason said that the owner of a horse corrall, who saw defendant pushing his bike on the highway above his place. He said that the trip to Barstow, Calif was the last trip. That following the plane crash it was necessary for them to spend the night in Nevada. He said that he and the defendant, Creech stayed in a motel, the defendant was hand cuffed and shackled. He said that the defendant was in the presence of Sheriff Palmer, Sgt. Taylor, and himself when any conversations about being in the Nevada jail took place. He had said at that time that he was afraid to be placed in the Nevada jail, as he would never get out of Nevada.

Mr. Robinson asked if any other search for any other bodies was made by not going out of the state? Mr. Mason said that many such searchs were conducted.

Mr. Robinson asked how many bodies were found through information given by defendant? Mr. Mason said that 2 at Donnelly, Ida, 1 Nev., 2 in Ore.. He was asked how many bodies in Calif? Mr. Mason said none.

Mr. Remaklus examined Mr. Mason? He asked if the two bodies at Donnelly, Ida, was Bradford and Arnold, the bodies in Oregon were William Dean and Jane Ramsmoog?

Mr. Mason said that they were.

It was stipulated that Mr. Mason could be excused.

Charles Palmer, previously sworn was recalled to the stand and examined by Mr. Robinson, Sheriff of Ada County. He related upon questioning that he received the defendant into his custody on the first part of Nov., 1974. After he was brought to the Ada County Jail, they began having problems with the defendant, at one time he went to the jail and the defendant was laying on the floor, apparently in a seizure of some kind. He observed the officers trying to talk to him but they were having problems doing so. He said that he went up to the deferdant and told him to snap, he want ? to talk to him, so he did. Mr. Robinson asked if the defendant inflicted any injury to himself at that time? He said he did not. He was asked if the defendant was interrigated on out of state involvments about a week after this seizure, and then went with Bud Mason somewhere? He said that there was an interview and this was taped somewhere, there were also video tapes on two different occassions. The first authorized out of state trip with the defendant to identify location of bodies was to Bags, Wyo., the body of Rick McKenzie was located there, present on this trip was defendant, Mr.

Approved: J. Ray Durtschi District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

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Taylor, the ~~pilot~~ pilot, some Wyoming officers and himself. He said that they tried to locate another body, that of Waco, but didn't find anything. He was asked if he was on the trip with Mason and the defendant to Albequeque? He said that he authorized the trip, and went with them. He also went on the trips to Montana, but never located any bodies. He was asked if any bodies had been located prior to their trip to Montana? He said that there was a body found, but not enough evidence to connect and file a complaint against the defendant. He was also on the trip to California when the plane crashed. After the crash he stayed alnight with Mr. Taylor and the defendant. He said that the defendant was concerned about being in Nevada jail so the decided to keep in a motel room. He was hand-cuffed, face down on the bed. Mr. Robinson asked if any of the information given to them by defendant had resolved any deaths o·t of state, in Calif.? He said that there was a Vivian Grant Robinson, there were others talked about but not verified. He was questioned about killings in Arizona? Mr. Palmer said that he was tried for Paul Schrader, and have two more deaths being verified, a Charles Miller in Nevada and a Gordon Stanton, In Oregon he has no knowledge except for the one in Portland and one in Salem. He has no knowledge of any in Wash. or Mont., there was Rick McKenzie in Wyoming, none in Utah and none in Colorado to the best of his knowledge. He described the efforts in Kentucky and Ohio by officers to locate bodies from information given them by defendant. He said that different tests had been given defendant such as sodium pentothol, polygraph and hypnosis. Mr. Robinson asked if the defendant had ever advised him of his totla involvment in the Satanic Cult? He said that he had, and that he had asked for a satanic bible. Mr. Robinson asked if the defendant was ever freaked out over claiming the devil was working on him? Sheriff Palmer said that he observed the defendant in the solitary cell, he claimed that blood was running through the cell, but this was merely faked on the part of defendant. He asked the witness if the defendant ever advised him that he witnessed satanic cult deaths? Mr. Palmer said defendant had mentioned this. He said that defendant said that sacrifices had been in Montana, Seattle, Wn., San Diego, Ca, Utah. He said that searches had been made of thise areas described by the defendant, but nothing found in the way of burial grounds. He was asked if any pioutes of a satanic cult was found in any of the areas? He said that there had been, but no burial grounds found.

Jury admonished.

Court recessed 2:25 p.m.

Court reconvened 2:47 p.m.

Jurors returned and it was stipulated all present.

Mr. Thomas examined Mr. Palmer. He asked if the defendant had ever admitting given the authorities false leads? He said that he had admitted to this. As one example, he went to California and on this chase it was just a way to get out of jail, also to the Calico Mine area in Calif., no boidies were ever found there. The defendant kept changing his story, in fact the information given by defendant turned out to be false.

Mr. Robinson asked if the defendant would be considered a hostile witness? Mr. Palmer ansered No.

Mr. Thomas asked Sheriff Palmer why they kept looking when they received information from defendant and they knew he didn't always tell them the truth? He said that the defendant was very convencing. He was asked regarding State's Exhibit #67, which was brought to the defendant by a minister, Lynn Plowman.

Mr. Thomas asked if the defendant ever discussed the killing of

Approved:

J. Roger Bistline

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

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Bradford or Arnold with him? Sheriff Palmer said that when they were in the detective annex, prior to the trip to Calif. present was a Mr. Dykes, Lt. Mann, defendant and himself, the defendant did make a statement regarding Bradford and Arnold. The best reference to this would be to refer to Plaintiff's Exhibit #49, and read the transcript.

Mr. Thomas asked if at the time of this statement that was taped, ex. #49, was the defendant given his rights first? He said that he was. Defendant had a counsel appointed to represent him at that time, but he was not present at this statement, as the defendant requested that he not be called.

Mr. Robinson re-direct examined Sheriff Palmer. He asked him to describe the trip to the Calico Mine, In Calif.. Mr. Palmer said that in that area there were many mines, the local officers were present. He described the area. He also said that the area there was not strange to the defendant, but no bodies were located as was indicated by the defendant in his information to the authorities. He was asked if the defendant has changed this information? Mr. Palmer said that the reasons that the defendant gave for going to the mine, was that he felt his mother was in one of these mines, that he had held this back as he felt he might need a kicker some other time. He said that several searches were made of that area after they left, don't know anything about them. He said that there is a man guarding the mine, but he understood that it was this mans own mine.

It was stipulated by both parties that the witness could be excused.

Mr. Robinson advised the court that he was having difficulty in getting Dr. Heyrend here, as he was unable to arrange his schedule, but will be available tomorrow. If the State desires to put on any rebuttal at this time, out of order, there is no objections by defense counsel.

The court asked Mr. Thomas if they wished to proceed on rebuttal at this time?

Mr. Thomas answered he was ready.

The court explained this change in procedure to the jury.

Gene Alvin Hilby, 117 Kelso Drive, Kelso, Wn. was called, sworn and direct examined by Mr. Thomas. He said that he was 27 years of age. He was asked if he had ever been convicted of a felony? Mr. Hilby said that he was convicted of possession of marijuana in 1970 and again in 1974 for hindering prosecution. He was asked if he had ever seen the defendant before? He said that he had, he first met the defendant early in Aug. 1974 at his house in Portland, Oregon. He described this meeting. He said that Linda Crandall brought the defendant by and introduced him. He said that they watched TV, had a couple of beers, they had a brief conversation, maybe there a couple hours, and he and Linda left. Then about two days later, about 2:30 a.m. the phone rang and Linda, who lived with them, came up and said that Mr. Creech was on the phone and in trouble. She told him that Creech was at this the church, where he was supposed to be a sexton, and he was hurt, that some bikers had stabbed him, and he needed to go to the hospital. He said that he took the first aid box and went to the church, in his truck, this took about 10 to 15 minutes. He arrived at the church and parked the truck, this was the St. Marks Episcopal Church. He said that the defendant, Tom Creech, came up to the truck. He asked to see where he was hurt, and he showed him some marks on his side and his stomach, looked like a scratch about 1 1/2 in. long, there was no blood and he saw no one else. Creech asked for some type of weapon, as there were three bikers in the church. He gave him a rifle out of the back of the truck. He wanted him to go with him into church and help bring out

Approved:

J. Ray Durtschi
Dist Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
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the men. He told him he wasn't going into the church. Tom Creech told him to wait outside, so he went around to the front of the church and walked back and forth. The defendant went up a flight of stairs into the church. He said that he noticed two men across of the church with their heads hung out of windows, so he walked around into the court yeard. He heard the gun go off and saw a flash of light. This scared him so he got back in the truck and left going about three blocks down the street. He sat there and waited for the defendant to come out of the church. He did come out and came over to the truck, with the rifle under his arm. The defendant got into the truck and told him that he had just killed someone, he showed no emotions or fear. He wanted to go back into the church and get the other two guys. They went into the church, upstairs and turned left into a room, there was a man sitting on the couch, he had a red mark on his chest. He asked Creech if the man was dead, and he told him he was. He wanted to move the body to the river, and argued with him about this. He said he just wanted to leave the church. Mr. Creech went in to a room and got a blanket, then wrapped the body in it, he then helped Creech take the body to Creech's room, he locked the door and they went to search the rest of the church, as he said there were still two men in the church. He said that he saw no one else and no other gun. He was told that the dead man was William James Dean 22 years old. He told him how he came to church told him about a Freddie Richardson who had a suit case at the bus depot, he wanted to go to the depot and get this suit case as there was money in it. This Freddy was supposed to have ripped him off. They (he and Creech) went to the bus depot and picked up a suitcase and they got back into the truck. Creech talked about making up some sort of a story, that this guy had gone for a gun so he shot him. After they got out on the freeway Creech went through the bag looking for something, then threw the suit case out the window. He said that the defendant told him how freaked out he was, that he didn't know what to do. They went to his house. He said that Creech went into the bathroom and he told Linda that he didn't want him hanging around there. Creech came out and told him if he told anyone about this trouble that he would be sorry. He told that he was told to take the gun and throw in the river. He didn't do this, he wrapped in a coat and left it with another person. He went to stay somewhere else after he left the house as he didn't want to get into an argument with the defendant. The next time that he saw the defendant was two nights later. He and Linda Crandall came over to the house where he was staying, this was on a Friday night, Aug. 1974. He said that he talked to the defendant and Linda, Creech wanted him to help him move the body. He told him to go get a rope and pistol. In order to get rid of the defendant he told him to go off and he would meet him. Next day he went to the police, he told him what he knew and that Creech was at the church. He said that he had not told anyone else about this before going to the police station. ~~Mr. Robinson cont.~~ He was asked how much time he had spent with the defendant? He answered a total of about 4 hours all together. The last time he saw the defendant before today was that Friday night that he came to the house to talk to him. He said that he spent four months in jail on a hindering charge related to this case.
State's Exhibit #69 was identified. He stated that he had been frightened about coming here to testify.

Jury was admonished.
Court recessed 3:35 p.m.
Court reconvened 3:50 p.m.
Jury was returned and it was stipulated all were present.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff) Docket No. 9701

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THOMAS EUGENE CREECH Defendant) Oct. 6, 1975
Date

(CONTINUED)

Mr. Robinson cross examined the witness. He asked if his testimony to the Portland, Oregon police was the same as given here? He said that it was. He asked if he had read the transcript here last night, and how many other stories or versions had he given before that time? He said just the one. Mr. Robisnon questioned him regarding his wife Becky. He was asked where he was born? Witness said in Feb. 1948 at Portland, Oregon. He was raised around that area, attended school. He went in the service in 1965 and served two years. When he got out of the navy he worked in machine shops, as a salesman, both clothing books and selling vacuums. He was married in 1967, and have one child born Dec. 1968. Mr. Robinson asked if he was ever a member of a bikers organization? He said that he had never riden with any bikers. He said at the time he met the defendant he was logging. The only time he had met defendant was 2 or 3 days before the killing of Billy Dean, and this was at his home. He said that Linda Crandall was a friend of his wife and his, that they met her through mutual friens, and that she roomed with them. He related what happened the night he was called to the church by Creech. He said that after they left the church and went back to his place, he left because he didn't want to argue with defendant. He didn't make any attempt at first to contact the police or anyone, as he was frightened as to what might happen. He said that he had never seen Billy Dean before that night in the church. He was not present when he was shot, but went in the church afterwards. He described what he saw when he got inside the room at the church. He said that he did not think that Billy Dean could have been standing up when he was shot, but was sitting on the couch. He said that he didn't argue with the defendant when he was asked to help move the body into the bedroom. He said that he was not on any drugs or dope at the time this happened, that he had been on the methadone program for two months and was not taking any drugs then. When they left the church the defendant put the gun between them on the seat in the truck, they went to the bus depot and got the bag belonging to Richardson. The defendant had offered him money, but there was no money. He said that he wasn't thinking about much of anything at that time, but didn't want to cross defendant, so didn't run or try to escape, nor did he go to the police at that time. When he and the defendant got back to his home, the defendant ordered him out of the house, so he left his wife and his son stayed there, he didn't notify the police as he was afraid if he went near the police that something would happen to his family. He said that when he left his house that he took the rifle with him, that was loaded. This rifle was taken to a Greg Stockards and buried, in the opposite end of town from his home. This gun was finally given to the police the day he went to tell them the story.

Witness was excused.

There were no further witnesses at this time.

Mr. Robinson said that he had examined the material in the tape between defendant and Mr. Palmer and he has no objections and would stipulate to it, except for excerpts.

The court said that the transcript had not been edited so it would be admitted. He said to make sure of the material that was being read in.

Mr. Thomas said that it would be cut out and submit the portion stipulated to the jury, this is exhibit No. 49. He said that the interview between Palmer and the defendant was typed from the tape.

The court said that this is still part of the rebuttal and given for limited purposes only, not for proof of defendant guilt, only as to the credibility as to the truth as defendant as a witness.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff) Docket No. 9701

vs.

THOMAS EUGENE GREECH Defendant) Oct. 6, 1975 Date

(CONTINUED)

There were no more available witnesses by either party until Monday morning.

It was stipulated that Officer Woodall could be excused.

Jury was admonished and excused.

Court recessed 4:35 o'clock p.m..

ELEVENTH DAY

October 20, 1975
Two Hundred First Judicial Day
9:30 a.m.
Present as before

The jury was returned and it was stipulated all were present.

J. Fred Hurst, Boise, Idaho, was called, sworn and direct examined by Mr. Robinson, he said that he is a psychologist, licensed to practice in the State of Idaho. He has been in Boise for the last three and one-half year. He gave his educational back ground and formal education, and expierence. He said that he came in contact with the defendant on December 12, 1974, at the request of Sheriff Palmer. The purpose of this meeting was to make a psychological evaluation of the defendant. He explained the methos he used to make this evaluation. After he had completed this examination, this was reduced to a written report.

Defendants Exhibit J (Report Dr. Hurst) marked and identified.

Dr. Hurst said that in Dec. 1974 he spent approximately 5 hours with the defendant. He said that Mr. Greech was a very cooperative individual. He obtained a brief history of the patient. He said that he made seven different tests and he explained these tests to the jury. He said that all the test fell in the average range, except one was above average reasoning. He said that in one test it proved that the defendant was able to function at average level in Reading, Spelling and Arithmetic. He found no sign of any brain damage, His responses were normal, his personality function in normal range. He wxplained this that as the defendant would make a statement his mood would change, his findings that his personality was dymatic, irratic. He said that in the M.M.P.I. test, which is widely used in several fields, and tells many things, such as the reactions to adjustments to things. The results of this test he noted a large amount of confusion, irratic and unpredictable method of coping with problems, and if he did this was done with detachment. He did feel that the defendant was in touch with reality but responded to things with irratic detraction.

Dr. Hurst said that after the tests were made, it was his professional opinion that the defendant functions in an average range of intelligence, he could hear and understand and react to instructions and cooperated with him, he felt that he had an immature personality, he responded to situations with detachment, he is a loner but wants acceptance, he is defensive, stubborn and resists changes, he takes more from people that are around him than he gives, he does not learn from expierence, and at times is implusive, he has a lack of feelings for others, and this makes the defendant dangerous to others. He lacks the ability to stop and think things over before he does them, judt goes ahead and thinks later. He said that his written report was completed by mid Jan. 1975.

Defendants exhibit J (report) was offered and admitted.

Approved: J. [illegible] Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff) Docket No. 9701

vs.

THOMAS EUGENE CREECH Defendant) Oct. 6, 1975 Date

(CONTINUED)

Mr. Robinson asked Mr. Hurst what the difference in the fields of psychology and psychiatry was. Mr. Hurst said that psychology was strictly of the mind and not usually a medical doctor, psychiatry is done by a medical doctor, the approach is not too much different and the field is compatable. The field of psychology is like an investigation for a psychiatrist sometimes. He said that he made a follow up examination in sept, 24, 25 of 1975 for the trial. He related the tests made. He said that ABC test, was done for the purpose to find if brain damage or if there was a gross mal-function of the brain of defendant. He said that he found no brain damage, there was no mal-function of the brain, that the tests made at this time were compared to the tests done in Dec. 1974 and the responses were very similar.

Jury admonished
Court recessed 10:40 a.m.
Court reconvened 10:52 a.m.
Jurors returned and it was stipulated all present.

Mr. Robinson asked Dr. Hurst if in giving the tests to the defendant, had he availed himself of the previous tests from Ohio or Salem, Ore.? He said that the defendant told him of no previous testing. He said that there was some tests in Salem, Ore, but they were not conclusive. He said that in all the testing, that he did, there wasn't any evidence of brain damage, no mental illness, so he made no recommendations to the court.

Mr. Thomas cross examined Dr. Hurst. He said that it was the finding in all the tests made on the defendant that no serious brain damage in defendant and no mental illness? Dr. Hurst said that this was correct.

Mr. Robinson re direct examined Dr. Hurst asking if he felt there was some brain damage? He said he did not.

Dr. Floyd LaMarr Heyrend was called, sworn and direct examined by Mr. Robinson. He said that he resides at Boise, Idaho and is a physician specializing in psychiatry. He gave his educational background and expierence. He said that he has been in Pribate practice for seven years, he was licensed in 1956. He said that he has been incontact with the defendant, Thomas Creech on numerous occasions, some of them were quite lengthly. He said that he first saw him in the Ada County jail, and saw him there approximately five times. He also visited his office about eight times. He said that he has also helped to interrigate the defendant under hypnosis and other drugs. Mr. Robinson asked if on all of the visits defendant made to his office, if he was under the influence of some drug or hypnosis? Dr. Heyrend said that on all visits to his office that part of his examination or conversation with the defendant was performed while the defendant was under drugs but part of that visit was before the defendant was given any drug or hypnosis. Mr. Robinson asked if he had been hired or asked to make an evaluation of the defendant for the State of Idaho? He said that he had. He was asked if he had been hired by himself or the defendant? Dr. Heyrend answered he had not. Mr. Robinson asked if in his examination he had gone over all the medical back ground and availed himself of all medical records, if he had gone through the brain screening for brain damage by Dr. Hurst? He said that he had used Dr. Hursts help and report to aid him, that he had looked at all the documents gathered by the law enforcement and talked to the psychiatrist of the State of Oregon, also statements written by the defendant himself. He said on his first visit to the defendant he administered some medication to calm the defendant down, the following visit he talked to the defendant of himself as a person and his history, both with and without the use of drugs.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff vs. THOMAS EUGENE CRESCH, Defendant | Docket No. 9701 | Oct. 6, 1975 (Date)

(CONTINUED)

He said that his sessions with the defendant usually covered all views of his life. He was generally cooperative in the sessions, he was very cooperative of his girl friend, Carol Spaulding.

He was asked about the questioning while under the influence of drugs, such as sodium pentothol and others? Dr. Heyrend said that sodium pentothol was close in relation to sodium amothol, these are shot acting barbituates. They put people in sleep or relaxes a person so they can consentrate on certain subjects. He explains the methods used. That during these sessions while under drugs they would bring answers from defendant from sub-conscious mind, all the information stored in the brain not always accessable, and the use of sodium amathol helps remember details. Mr. Robinson asked if they were able to get the details on total story of deaths? He said that they were. Mr. Robinson asked how much control the defendant had under drugs or hypnosis? Dr. Heyrend said that there were times when the defendant exerted considerable control under drugs, but had no control under hypnosis. He asked Dr. Heyrend about the methadone program? Dr. Heyrend explainted that this was used to help many users of drugs. He explained the program, he also said that the program has now been discontinued. Mr. Robinson asked if he ever determined if the defendant had been a user of drugs? He said that he had used drugs. Mr. Robinson asked in what the defendant described as his drug habit, would this have any effect on his administering drugs for his questiong session? Dr. Heyrend andwered it would not. Mr. Robinson asked if he would describe what he found in his examinations of the defendant during sessions? Dr. Heyrend said that based on detailed history, he felt that the defendant had never been able to relate to anyone successfully. In terms of over-all behaviour the defendant tended to be implusive and acted without any fore thought. His attitutde was what appeared to be good for him, must be good for others. He lacked any sensitivity for feelings of others. His morals were different from others, lacking average standards. As to his anxiety, this was normal, he was not sick, just depressed from being where he was. His most distrubing aspect was inability to show any remorse and profit from it, as from past expierences. He felt that his actions were normal considering the situation he was in. His history of poor adjustment dated from early childhood. He said that he didn't relate well to any of his family, no close family ties, feels his family exhibited poor example, he had difficulty in school, he is not dumb but perfectly normal. He shows through all his life that he can not adjust to anything, employment, military service and marriage, he felt that this was through his anability to relate to people. He said that during many of his talks with the defendant, the defendant did lie to him. That the reason that the defendant was given mediciation was to keep him calm so that he would not evade the issue, as the defendant has a hard time holding the point of time, goes around in circles. The witness was asked if the defendant had been asked specific questions of the involvments, when medication had been administered? He answered that he had. He said that to determine what was the truth and what was not they used drugs, so they could make a evaluation. He said that some of the questions asked revolved around his affiliation with both the Christian church and other churches, how he became involved with the sat[illegible] church how he functioned as an observer and a priest. Mr. Robinson asked if he ever referred to himself as Satin? Dr. Heyrend said that he did relate as only thru Satin in him, not that he was Satan. He asked if he had ever heard the defendant say he was Anton LaVey? He said that the defendant has come under the powers of this individual and would do as he dictated, he didn't recall the exact words of the defendant.

Approved:

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO — Plaintiff | Docket No. 9701

vs.

THOMAS EUGENE CREECH — Defendant | Oct. 6, 1976 — Date

(CONTINUED)

He was asked if from all the contacts that he has had with the defendant if he had made an evaluation of defendant.

He said that he had.

Jury was admonished and excused for lunch

Court recessed 11:55 o'clock a.m.

Court reconvened 1:30 p.m.

Jury was returned and it was stipulated all were present.

Mr. Robinson continued to question Dr. Heyrend. He was asked if he had done a second testing of the defendant? He answered that he had. He was asked if this second test proved if the first test was accurate, and that there was no brain damage to defendant?

Dr. Heyrend said that the Order for the second test called for an evaluation of the defendant. That this test was to cover two points, regarding the ability of defendants mind as to malice aforethought and to his mental out look at that time of the crime. He said that his test did not cover the point as to malice afore thought, so he cannot respond to this question.

Mr. Robinson asked if he had reduced his findings to a written report?

He said that he had.

Deft. Exhibit K (Report) marked, identified, offered and admitted.

Mr. Robinson asked if this evaluation mentions the fact that the defendant claims to be involved in other murders?

Dr. Heyrend said that the defendant had, perhaps 40 or so, and that there had been 6 this year.

Mr. Robinson asked if he sued sodium amathol often.

He said that he did, and often in law enforcement affairs. This was performed at the request of the Attorney Generals Office of Ada County Sheriff on Mr. Creech.

Mr. Robinson asked Dr. Heyrend in regards to his evaluation of the defendant, what effect Deft. Exhibit #1 (Satanic Bible) would have on the defendant if this book had been accepted by the defendant?

Mr. Thomas objected.

The court sustained this objection.

Mr. Robinson said that this question went to the ability of the defendant to act and malipulate people. He asked the Doctor if the defendant tried this with him and was he successful?

Dr. Heyrend said that he detected that the defendant was trying to malipulate him.

Dr. Heyrend was asked if he found any serious mental illness in his examination of the defendant?

He answered that he did not

The Jury was admonished 1:45.

The court asked if there was any reason not to excuse the two doctors?

Mr. Robinson asked Dr. Heyrend whether or not the accepting of the satanic bible by the defendant would affect his behaviour? The Doctor was asked if he had read this book?

Dr. Heyrend said that he had not but was aware of what it contained by representation inpart by the defendant. He feels that this would not make much difference in the pattern of behaviour of the defendant, considering what he had done all his life.

Approved:

J. [illegible] District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff) Docket No. 9701

vs.

THOMAS EUGENE CREECH Defendant) Oct. 6, 1975 Date

(CONTINUED)

The court asked the basis for the Offer of Proof?

Mr. Robinson presented argument and offered Defendant's Exhibit I, the Satanic Bible.

The court rejected this exhibit.

Mr. Robinson said that by his Offer of Proof he hoped to show through the witnesses, Bishop King of the Episcopal Church and Anton Lavoy of the Satanic cult, the two total aspects of Christianity. Bishop Lavoy as to the satantic belief. The purpose of this is to show that the defendant is on one side of the fence, as far as religion, and then on the other.

Mr. Thomas answered that he objected to this and there is no showing that defendants belief is relevant to this case, so can see no reason to call either of the bishops.

Court sustained this objection.

The court said that Doctors Heyrend and Dr. Hurst would be excused.

Jury returned.

Edward Zoring Stewart called, sworn and direct examined by Mr. Robinson. He said that he resides at Box 261, Cataldo, Idaho and is the criminalogist at the North Idaho College, at Coeur d'Alene, Idaho. He has been at the North Idaho college for three years as an instructor of law enforcement and mathematics. He said that a part of his duties consists of operation and the determination of polygraph tests, as a polygraph examiner. He related his back ground and education.

He said that he became acquainted with the defendant the first time on Aug. 10th or 12th, 1975 at the request of Mr. Robinson. He interviewed the defendant on Aug. 15, 1975 and once a week since Sept. 2, 1975. He said the defendant was very cooperative with the examination.

Mr. Robinson asked if there was a determination made how a person would re-act to the polygraph test?

Mr. Stewart said that there was and that the defendant was an excellant re-actor. He explained the polygraph test to the jury.

He was asked if each operator giving the test had a different mode or method?

The witness said that there are standard test for this. He said that he followed this general testing for defendant.

He was asked if there were specific questions as to drugs, satanic matters and if his findings were ever reduced to writing?

He said that he did ask questions on these matters and that he had made a written report based on his testing.

Defendants Exhibit L(Stewart Report) marked, identified, offered (limited to Offer of Proof) and admitted.

Mr. Robinson asked if based on the polygraph test, were the results reliable. He answered that they were.

He was asked if he had taken the information from the tape and reduced to answers of certain questions, set forth by him?

Mr. Stewart answered that he had.

Mr. Thomas cross examined the witness. He asked if the defendant had been interragated extensively before the polygraph test?

Mr. Stewart said that he had not. He said that he was aware of the fact, that the defendant had a polygraph test before.

He was asked if he felt that the defendant didn't care if he was lying in the test and that it would have an affect on the polygraph test?

Approved: J. Ray Bistline
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff) Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant) October 6, 1975 (Date)

(CONTINUED)

He said that he felt that the defendant was aware of this, but that the defendant had been truthful with him.

He was asked if in respect to the test, that he had all the information to get a successful test?

Mr. Stewart said that he didn't have all the information, but enough to take a polygraph test.

Mr. Thomas questioned him in regards to the physical aspects of defendant at time of testing? He said that he didn't know as to blood pressure, etc.

He was asked if polygraph tests had been prepared from other polygraph tests? He said that they had not.

Mr. Thomas objected to the offer of proof, that evidence from a polygraph test was not admissable.

The court sustained this objection.

It was stipulated that Mr. Stewart be excused.

Mr. Robinson said that the defendant rests at this time.

Court admonished the jury.

Court recessed 2:15 o'clock p.m.

Court reconvened 2:25 o'clock p.m.

Mr. Robinson re-offered Defendant's Exhibits A and B.

Defendants Exhibit A was admitted

Defendants Exhibit B was admitted.

Mr. Robinson asked if Plaintiffs Exhibit had been admitted in its entire form?

The court instructed the Jury that this exhibit was admitted for purposes of impeachment. He asked if Mr. Robinson now waived all his objections to this exhibit?

Mr. Robinson said that he did.

Mr. Thomas said that they were not offering any more of the exhibit than before.

Mr. Robinson said moved for the general purpose, he feels that the entire tape should be admitted.

The court said that he would treat the states offer as a separate matter. This could be handles on rebuttal. If they want the entire tape in evidence then they can offer it. The state wanted to offer the entire tape and there was an objections from Mr. Robinson and only a portion of the tape was admitted.

Mr. Robinson asked that this portion of the tape be marked as Defendants Exhibit M.

The court said that what has been marked as Plaintiffs exhibit 49, be marked as Defendants Exhibit M, this includes the entire document. Defendants Exhibit M (tape) marked.

Mr. Thomas objected to the admission of the entire document because the evidence has been limited.

The court sustained the objection and exhibit M denied.

Defendants Exhibit M refused.

The jury was returned into court and it was stipulated all were present.

The court said for the purpose of the record it will show that the defendant has rested.

The court asked of counsel if there was any rebuttal?

Dr. Michael Estess, 6003 Overland Dr, Boise, Idaho was called, sworn

Approved: J. Ray Durtschi (District Judge)

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff) Docket No. 9701

vs.

THOMAS EUGENE CREECH Defendant) October 6, 1976 Date

(CONTINUED)

and direct examined by Mr. Remaklus. He said that he is a physican and specializing in psychiatry. He gave his education and background. He said that he is acquainted with the defendant. His first meeting was at the request of the court on Dec. 12, 1974, in his office.

He was asked if he had availed himself of the services of Dr. Hurst? He answered he had. He said that he had conducted a psychiatric evaluation of the defendant on Dec. 12, 1974 and Dec. 18, 1974. He said that he learned of personal history of defendant from Boise Statesman.

He was asked at the time of his first evaluation did he arrive at a conclusion?

Dr. Estess said that he thought that defendant had a personality disorder. He described this to the jury. He said that everyone who has a personality mental illness does not include having personality disorder. He told that the great deal of turmoil in the defendants social life is just because of the way he handled himself in society.

Mr. Remaklus asked about his second evaluation?

Dr. Estess said that in August 1975 he checked with the personel of the jail to see if any changes in the habits of the defendant and also checked with the Sheriffs office again on the facts. Looked at the evaluation of Dr. Hurst, and went over with him all the material at hand as his re-evaluation, but his initial conclusions remained the same.

He was asked as of Nov. 4, 1974 did he have any opinion that the defendant was suffering from any mental defect or disease?

He said that he did have an opinion. Defendant was not suffering from any mental disease or defect at that time. He said that the defendant had an obvious ability to malipulate peoppke people, making him a very unreliable person. He said that the defendant had a negative identity, as the defendant has gotten rewards, in away, for being bad ever since he was a young child.

He was asked if he had an opinion as to this type of conduct that was engaged in while the defendant was in jail for this charge?

Objection by Mr. Robinson.

Objection sustained by the court.

Mr. Remaklus contiued his examination. He asked if the defendants used drugs. Dr. Estess answered No.

Mr. Remaklus asked if he would term the defendant with moral insanity?

Dr. Estess said that he is not sure, as it is a term that he does not use. That this relates to someone having religious beliefs and that moral insanity is just a saying.

Dr. Estess was asked to describe defendants personality? He said the defendant reacts to stress, he is resistant and peranoid. He has a resistance to being found out, and has a tremendous feeling of inadequacy.

He was asked if based on his examination of Nov. 4, 1974 did he feel that the defendant was responsible for his actions, that he could determine right from wrong, and could have conducted himself according to law?

Dr. Estess answered that he felt that the defendant could have.

The court said that the doctor is not allowed to go into anything that the defendant told him at the time of the interview.

Mr. Remaklus asked if the defendant was capable of pre-meditation and malice aforethought?

He answered he felt that he was.

In Nov. 4, 1974 was the defendant capable of malice aforethought.

He answered Yes.

In answer to question he said that he felt that the defendant was very cooperative, but wasn't always telling him the truth.

Approved: J. Ray Estes Jud.

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff) Docket No. 9701

vs.

THOMAS EUGENE CREECH Defendant) October 6, 1975 Date

(CONTINUED)

Regarding his satanic involvments, he said that he really set himself up with sensational actions, that it was consistance with what he did before. Defendant was delusive.

Mr. Robinson cross examined Dr. Estess. He asked if most every person who comes to see him, is deceptive?

He said no, he didn't believe that, many were straight forward, but at sometimes everyone deceives themself.

Mr. Robinson examined him regarding his schooling and experience as a psychiatrist.

He was asked about moral character?

Dr. Estess said the only disease of moral character is sin. He does not use the saying of moral sanity. That christianity and satanic are words in religion.

Mr. Remaklus asked Dr. Estess if he practised psychology in the service?

He said that he did.

It was stipulated that Dr. Estess be excused.

Dan Carey, was called, sworn and direct examined by Mr. Remaklus. He said that he is a laborer in the gospel of Lord, Jesus Christ. His home town is Lewiston, Idaho but that he has been in Washington picking apples. He lived in Lewiston for seven years. In Nov. 3, 1974 he was in Lewiston, Idaho attending Lewis-Clark vocational school as auto mechanic. He is acquainted with Carol Spaulding, for 5 years, he went with her off and on, two years before Nov. 1974. He knew where she lived in Lewiston, Idaho. He stated that he heard that she was in Lewiston on Nov. 1 or 2, 1974 so he went to her mothers home to see her. He saw the defendant for the first time on Nov. 2, 1974.

He pointed out the defendant for the record.

Mr. Remaklus asked other than seeing him on that date, did he have any other contact with defendant, until in this courtroom?

He said that they drove around in his car with Carol and the defendant for about an hour, they smoked some pot and drank some beer. He took Carol and the defendant back to her mothers early that evening.

He was asked if he stayed in Lewiston that night?

The witness answered that he went over to Clarkston, Wn. to his mothers house, where he lived. He said that he remembers the date of Nov. 3, 1974, as he was at his mothers, his car battery tipped and spilled acid. He also went to church twice that day, the rest of the time he was with his mother. On Nov. 4, 1974 he spent the day from 8 a.m. until 3 p.m. in class. His mother drove him to school as his car wouldn't run because of the dead battery. He had the car fixed that day so was not in the vicinity of Donnelly, Idaho.

He was asked if he killed Arnold or Bradford?

Mr. Carey answered that he had not.

Mr. Robinson cross examined Mr. Carey? He asked if he was the father of Carol Spauldings child?

Objection by Mr. Remaklus.

Sustained by the court.

The jury was admonished.

Court recessed 3:35 o'clock p.m.

Court reconvened 3:45 o'clock p.m.

Jury returned and it was stipulated all present.

Mr. Remaklus said that the trial had moved more rapidly than he had expected and that no other witnessess are available until tomorrow.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff) Docket No. 9701

vs.

THOMAS EUGENE CREECH Defendant) Oct. 6, 1975 Date

(CONTINUED)

He requests that the court recess until tomorrow, Oct. 21, 1975.
The jury was admonished and excused for the day.

TWELFTH DAY

October 21, 1975
Two Hundred Second Judicial Day
9:30 a.m.
Present as before

The court stated that Plaintiffs Exhibit #70 was marked and admitted for limited purposes only to show why testimony stopped. Not to go to jury.
Jury was returned and it was stipulated all were present.
Kathy Spaulding, Lewiston, Idaho was called, sworn and direct examined by Mr. Remaklus. She said that she has lived in Lewiston, Ida. for seven years. She is the sister of Carol Spaulding. That she lives in the home of her mother with her brother and Mr. Schreiber.
On Nov. 3, 1974 she was in Spokane, Wn., with Mrs. Knudson and her daughters. They went in the Knudson car and spent all day visiting the fair. They arrived home about 9:30 p.m.. The Knudsons are neighbors of theirs. On Nov. 4, 1974 she went to school.
She said that she is acquainted with Dan Carey.
She was asked if she was in Donnelly, Idaho on Nov. 3, 1974?
She answered she was not.
She was asked if she took any part in the killing of Arnold or Bradford?
She said that she did not.
Mr. Robinson cross examined the witness. He asked if she had seen Carol or Tom Creech on Nov. 2, 1974?
She said that she had.
She was asked if she had gone to Clarkston on that day? She answered she had not.
Mr. Robinson asked her if she owned a bird shirt? She said yes, that she had given it to Carol, that she had it with her on the trip.
He asked her if she smoked pot? She answered yes.
He asked her if she had smoked pot on the week end of Nov. 2, 1974?
She answered No.
Mr. Robinson asked if she had gone to the worlds fair on Nov. 3, 1974 and the name of the Knudsons daughters?
She said that she had gone to the fair. The Knudson girls names are Pam, Judy and Lisa Anderson.
She was asked if she was free to come and go ans she wished.
She said that she was.
Witness excused.

Myrtle Knudson, 2502 8th, Lewiston, Idaho, was called, sworn and direct examined by Mr. Remaklus. She is employed as a Deputy Assessor for Nez Perce County, Idaho. She said that she is acquainted with Kathy Apaulding. She was asked who lived with her? She said that George, Judy, Pam and Lisa Anderson.
On Nov. 3, 1974 she went to the worlds fair in Spokane, Wn. This was the last day of the fair, and she took Judy, Pam, Lisa and Kathy Spaulding with her. They left Lewiston at approximately 8 a.m. and arrived home about 9:30 p.m. that night. She dropped Kathy off at her house and went on home. Later her girls went over to Kathys house to visit.

Approved:

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff) Docket No. 9701

vs.

THOMAS EUGENE CREECH, Defendant) October 6, 1975 Date

(CONTINUED)

Mr. Robinson cross examined Mrs. Knudson. He asked her how many times she had gone to the fair in Spokane? She said that she went only once.

She was asked if she had checked the date? She said that she had not but believes that it was Nov. 3, 1974.

Witness excused.

William Schrieber, previously sworn, was called and examined by Mr. Remaklus. He was from Lewiston, Idaho and lived with Mrs. Spaulding and family in their home.

He was asked if he remembered Kathy Spaulding going to the worlds fair? He said that he did, he knows that Kathy went to the fair, as he was at home when she came back, this was around 9:30 p.m., and he saw her in her bed later that night, as she sleeps on the hide-a-bed in the living room. He said that she was in bed at around 10:30 p.m. that he saw her in her bed, as he usually goes to bed and reads until the mill whitle goes off at 3:00 a.m., He said that if anyone had left the house that night he would have known.

Mr. Robinson cross examined Mr. Schrieber. He asked if there was a back door on the house?

He said that there was, but that it sticks, and he would have heard it.

He was asked if he was sure what day Carol and the defendant left the house in Lewiston?

Mr. Schrieber said that he was certain that it was the same day that Kathy left to go to the fair.

Witness excused.

Jury admonished.

Court recessed 9:50 a.m.

Court reconvened 10:05

Jury returned and it was stipulated all were present.

Charlotte Smith, Clarkston, Wash. was called, sworn and direct examined by Mr. Remaklus. He asked her if she had any family? She answered that she had three sons Mike Carey, age 22, Dan Carey and Jeff Carey age 13. She is the mother of Dan Carey who previously testified in this hearing. She is a housewife and not employed, her husband, sells cars.

She was asked if Dan Carey was there in her house on Nov. 3, 1974 weekend? She said that he was as she remembers that on Nov. 3, 1974, Dan put new tires on his car and then the car broke down the next morning and he spent all day at home. Next morning, Nov. 4, 1974 she took him to school. So he was at home all that weekend and in school on Monday, Nov. 4.

There was no questions by Mr. Robinson.

Witness excused.

Dr. Joseph Herbert Treleaven, Salem, Oregon, was called, sworn and direct examined by Mr. Remaklus. He said that he is a physician, specializing in psychiatry, at the Oregon State Hospital, Salem, Ore.. He gave his educational background and said that he has in psychiatry for 24 years.

He was asked if he was acquainted with the defendant?

He said that he was, and pointed out the defendant for the record. He first met the defendant on April 9, 1974 at Oregon State Hospital, he had been sent to the hospital by the District Court Judge for examination and treatment while under criminal charges. He made an evaluation of the defendant and explained the methods used to the jury, he also did a complete physical.

He was asked if after making his tests he had arrived at a conclusion?

The Doctor answered that he had. He found that the defendant has an

Approved: J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff) Docket No. 9701

vs.

THOMAS EUGENE CREECH Defendant) October 6, 1975 Date

(CONTINUED)

anti-social personality, he went on to explaint this further. He observed the defendant for 10 days from Apr. 9, 1974 until Apr. 19, 1974. On May 24, 1974 he was returned to the hospital under civil commitment and treated on general side of hopital, until June 20, 1974. He said that this case of defendant was submitted to the hospital board on May 30, 1974 prior to transferring defendant from maximum security to the general part of the hospital. The opinion was the same as the first time that the board reviewed this defendants case, that he had a depressive dignosis, there was no evidence of any mental disease or mental defect.

He was asked when the records show that the defendant was released? Doctor answered June 20, 1974.

Mr. Robinson cross examined Dr. Treleaven. He was asked about his position at the Oregon State Hospital.

The doctor said that he is the clinical director and supervision and has been there since 1966. He was in direct contact with the defendant. He reduces the history and findings to a written report on Apr. 25, 1974.

Defendants Exhibit N (Report Dr. Treleaven) marked, identified, offered and admitted.
The court allowed that a photo copy of the original be substituted for this exhibit.

Mr. Robinson asked the Doctor to define anti-social personality to the jury. He did this.

He was asked if the hispery was included in making this report? He said that it was.

Mr. Robinson asked if the defendants wife, Thomasine was in the unit?

He said that she was, that she came to the hospital in a body case, with mental disabilities.

The court asked that the docotr not leave until it is determined if he would be called for further questioning.

Emil F. Bladow, 7555 S. Lola, Portland, Oregon, was called, sworn and direct examined by Mr. Thomas. He said that he is with the Portland Police Dept., and was so employed on Aug. 1974. He was called to the Episcopal Church on a homocide. When he got there he found a body of a male subject, lying on a bed. This body was located in the sextons room, and was identified as William Joseph Dean.

There were no questions by Mr. Robinson

Witness was excused by the court.

Mr. Remaklus said that he had two more witnesses on their way here, but the air plane was late and asked for a short delay.

Jury was admonished and recessed at 10:37 o'clock am.

Court reconvened 11:30 a.m.

Jury was returned and it was stipulated all were present.

Dr. Treleaven was recalled to the stand and cross examination continued by Mr. Robinson. He asked if he had been advised that defendant was on trial for murder? He said that he had.

He was asked what depth he went into on the anti social ability to understand the defendants failure to conform to laws? He answered that he went back as far as he could go in life history.

Mr. Robinson asked if he had the feeling that the defendant was a person crying out for help during his examination. He answered that he did not.

Approved: J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO — Plaintiff — Docket No. 9701

vs.

THOMAS EUGENE CREECH — Defendant — October 6, 1975 (Date)

(CONTINUED)

Mr. Robinson asked if there was some other reason for the defendant being in the Oregon State Hospital?

He said that defendant was there because the court sent him when he came in April of 1974 and he examined him. When he returned in May 1974 it was on a civil commitment and he was under the care of other doctors. When on the civil commitment he was allowed week end passes.

He was asked if he had considered the defendant dangerous to himself or others? He answered that he did not.

Was this with knowledge of past? He said yes.

Mr. Robinson said that he had completed his cross examination, but would like to go beyond the scope of this, and to accomadate the witness would like to continue at this time.

The court said that Mr. Robinson could continue examination of Dr. Treleaven, and the jury was instructed that this would be considered as the defendants case on sur-rebuttal.

Mr. Robinson continued examination of Dr. Treleaven.

He asked if Thomasine Creech was at the Oregon State Hospital? He answered that she was.

Mr. Robinson said that he was aware of the privledge information between patient and doctor, and if the questions, and if the questions he will propound to him, may be considered in this privledge information.

Mr. Robinson asked if Thomasine was brought to the hospital in a body cast? He said that she was.

He asked the doctor if he knew the date of her injuries, if she is still in the hospital and condition.

Dr. Treleaven said he did not know the date of injury, and as for the condition of the patient he could not discuss this.

The court said that in Idaho that the privledge between doctor and patient extends only to civil matters. A doctor cannot be examined without his consent in civil matters, this not extend to criminal law. So the Court orders the Doctor to answer under Idaho law.

Mr. Remaklus asked for an offer of Proof.

The court said that he considered this relevant to the case.

Mr. Robinson continued with his examination. He asked if Thomasine was suffering from mental disorder, and as to the extent of her mental incompetence.

Dr. Treleaven said that she has a severe mental disorder and has lost complete touch with reality.

He was asked if Thomasine Creech was a heavy user of drugs.

Objection by Mr. Remaklus.

Sustained by the court.

Mr. Robinson asked if he had knowledge of the history of Thomasine Creech?

He stated that he has treated her when her doctor has been gone, and he is the supervisor of the unit. He has not gone into the background history, so his knowledge is sketchy.

He was asked if he was familiar with the fact that Thomasine had been pushed from a fourth floow window?

He said that he knew she had a fall, but no particulars.

Witness excused.

Jack Freeman, previously sworn, was called and examined by Mr. Remaklus. He is the Elmore County Sheriff Detective. He was asked on Nov. 8, 1974, when the defendant and Carol Spaulding were placed under arrest at Glenns Ferry, Ida., if he saw the defendant there and how much time was spent in his presence at Gleens Ferry and Mountain Home, Ida.?

Approved: J. Ray Durtschi

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff) Docket No. 9701

vs.

THOMAS EUGENE CREECH Defendant) Oct. 6, 1975 Date

(CONTINUED)

He answered two or more hours. The first time he saw defendant was at that time, and he was in custody, because of the incident in Valley County.

He was asked if while he was in the presence of the defendant he had been told if he confessed to the two murders that they would release Carol Spaulding?

He said that this had not been told defendant.

There was no questions by Mr. Robinson.

Alvin Mason, previously sworn was recalled and examined by Mr. Thomas. He said that he previously was emplyed as investigator for the State of Idaho and now works for the Bureau of Narcotic. He has been involved with narcotis for approximately 25 years. He was asked if he knew the value of heroin? He answered that a pound of heron, 80%, was worth $150,000.00 to $200,000.00.

Mr. Robinson asked if this was the street price? He said yes.

Mr. Thomas questions if pure heron was sold on the street.

Mr. Mason said that pure heron enters the United States, then is cut and sold on the street and is broken into grams. A kilo is 2.2 lbs.

Mr. Robinson asked if heron is cut to dangerous 5% what is the street price? Mr. Mason said the street price is $200,000.00 and wholesale is $100,000.00.

Mr. Wesley Woodall, previously sworn was called and examined by Mr. Remaklus. He said that he is investigator for the State of Idaho, that he travels a lot in his work.

He was asked if he was familiar with the highway between Lewiston, Ida and Boise, running north and south? He said he was. He was asked how far from Lewiston, Ida. to Donnelly, Idaho, going through Grangeville, New Meadow? He answered about 180 miles. He said that he is familiar with this road, by traveling at speed limit of 55 miles per hr. it would take 4 to 5 hours. He described the characterics of the road.

He was asked if they go over Whitebird Hill? He answered yes, that the new one was opened in 1975.

No questions by Mr. Robinson.

The court questioned the attorneys. He said that the rebuttal is completed and the sur-rebuttal is just motions.

The jury were admonished and excused.

Court stated that the matters taken outside the jury and will be presented to jury.

The court asked counsel if they could go right into the instructions. They answered yes.

The court instructed the attorneys to be in chambers at 1:15 p.m.

The jury returned at 2:00 o'clock p.m. will now recess for lunch.

Court reconvened at 1:20 o'clock p.m.

Mr. Thomas asked about the introduction of portions of Exhibit 49.

The court said that Exhibit 49 would be kept in tact and excerpts to be marked 49A.

Exhibit 49 will be marked Defendants M. The record will reflect at the time defendant had no further witnesses, the State put on witnesses and offered 49A.

It was so stipulated by counsels.

The court said that the exhibit will be submitted by Stipulation, and the portions of the document be admitted with instructions to the jury from the court to cover this exhibit.

Plaintiff's Exhibit 49 marked as defendants exhibit M.

Approved

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO — Plaintiff — Docket No. 9701

vs.

THOMAS EUGENE CREECH — Defendant — Oct. 6, 1975 — Date

(CONTINUED)

Mr. Remaklus said that the States Rebuttal is closed.

Mr. Robinson asked that exhibit M be admitted, but that some areas should be deleted.

Mr. Thomas objected, same as before when offer made so its not relevant now.

The court said that the exhibit has been reconsidered and sustained in part and over ruled in part. That the parts consistant with the testimony would be submitted, not to relate to credibility of the defendant. That any matters not relevant to be agreed on between counsels.

The court said that in regards to the instructions, that the major part had been reviewed on Saturday. That he had added two instructed of Mr. Robinsons and also three new ones of female gender, as to other crimes, and stock instructions

Court recessed 1:36 o'clock p.m..

Court reconvened at 2:00 o'clock p.m.

[illegible] questioned Mr. Robinson on his position in exhibit 49?

[illegible] said that he desired exhibit 49 to be admitted without any deletions.

Mr. Remaklus said as long as exhibit 49 is going in in entirity, then 49A need not go to jury.

The court said that the entire exhibit 49 would be admitted for the record would not refer to it as exhibit M. That as long as exhibit 49 going in no need to send exhibit M. That 49 A exhibit would not go in. that exhibit 49 that is going to the jury should not be remarked, and the instructions prepared for 49A will apply to exhibit 49.

Mr. Robinson said the defense has no further sur-rebuttal.

The court said that this offer should be made in front of the jury. And he feels that it is appropriate to admonish the jury as to 49A which was limited for consideration.

The purposed instructions have been submitted, and are there any objections?

Mr. Thomas questioned the instruction on premeditation.

Mr. Robinson said that he felt that this was covered.

The court said that this would be overruled and would let it stand.

Mr. Robinson said that he had submitted other matters to the court, but feels that each and every item has been covered in the instructions the court will give. He has no objections.

The court said that the arguments will be two hours and the state will reserve time for rebuttal. He would allow the attorneys to keep their set of instructions but not to re-read to the jury verbatim.

Mr. Robinson asked if they could mark on the instructions?

The court said not on the set that goes to the jury.

Jury was returned into court at 2:00 o'clock p.m.

Mr. Remaklus said that the State rests.

Mr. Robinson said that he would move to admit the exhibit formerly marked exhibit 49 in its entirity.

No objections Mr. Remaklus.

The court said that exhibit 49 would be admitted in its entirity. He advised the jurors that it was previouls admitted only in part, this exhibit 49 includes the parts so will be the only exhibit going to the jury. They are admonished that this exhibit is admitted and limited only to test the credibility of the witness, not to be considered as evidence or as Proof of Guilty.

Mr. Robinson said that the defendant rests.

The court read the instructions to the jury.

Approved:

J. Ray Durtschi
Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff) Docket No. 9701

vs.

THOMAS EUGENE CRESCH Defendant) October 6, 1975 Date

(CONTINUED)

Jurors admonished by the court.
Court recessed 2:50 p.m.
Court reconvened 3:05 p.m.
Jury returned and it was stipulated all present.
Mr. Thomas made his closing argument to the jury.
Mr. Robinson made his closing argument to the jury.
Mr. Hamblin made final argument to the jury.
The court instructed the jury, that on retiring they are to select one of [redacted], that the verdict must be unanimous and the foreman will [redacted].
[redacted] by the Clerk.
[redacted], the alternates were instructed that [redacted] would not go in the jury room, they will be [redacted] bailiffs.
[redacted] at 4:00 o'clock p.m.
[redacted] in regards to trial exhibit #32, 05, 06, 07 [redacted] agreed will be made with the bailiffs as to [redacted] and dentists.
[redacted], was called, sworn and examined by the court. He related that the bailiffs had met with the court before this trial and had been instructed as to their duties, the four bailiffs being Joyce Dumont, Ralph Falsetto, He and Mrs Ralph Armbruster. That Mrs Dumont and Mr. Falsetto had custody of the jurors during the day time.
He asked if there were any occassions that she knew when the jurors had been separated?
Mrs. Dumont said that she was present when one woman, Bonnie Jameson, had an allergy shot at the Dr. Clinic. That the subject of the trial was never discussed. She said that a running log was kept of all the time, she was acquainted with the arrangements at the motel. The only TV was in the balliffs room. The telephone panel in the mote room were disconnected, so no direct calls made by any juror. She said that she knew of no other time when the jury was separated.
Albert Falsetto was called sworn and examined by the court. He said that he worked day times ad balliffs with Mrs. Dumont, and he has been present while she presented her testimony. He said that he went to the hospital with Mr. Oberg on two occassions to see his wife and no one mentioned the trial.
There were no questions by either counsel.
The court thanked both [redacted] and also counsel.
Court recessed 4:45 o'clock p.m.

THIRTEENTH DAY

October 22, 1975
Two Hundred and Third Day
10:12 o'clock a.m.
Present as before

The court said that they would complete the record of the balliffs.
Ralph Armbruster was called and sworn and examined by the court. He said that previously he and Mrs. Armbruster had been sworn in as deputy sheriffs, and has received his instuctions from Judge Towles, and also had a conference with all the balliffs before the trial where duties were explained. He and his wife were the night bailiffs. He described the room arrangements and the routine followed in taking the jurors to dinner and the evening hours. That one of the bailiffs were awake at all times.

Approved:

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff) Docket No. 9701

vs.

THOMAS EUGENE CREECH Defendant) October 6, 1975 Date

(CONTINUED)

He said that each of the jurors had individually been placed in seperate rooms at night, but that all phones and TVs had been disconnected, there were no out going phone calls. In coming phone calls were placed through the bailiffs room and all messages went through them, any newspapers that the jurors saw were first brought to the bailiffs and any news of the trial taken out.

[redacted] kept a daily log of all the times they were on duty. No one was in contact with the jurors, [redacted] one of the jurors had to be away from the [redacted] them.

[redacted] calls and TV programs were monitered? [redacted] were.

[redacted] satisfied that none of the jurors had [redacted]

[redacted] this.

[redacted] for their good work.

[redacted] and examined by the court.

[redacted] propounded to her husband, and [redacted] she said that Walter Nelson [redacted] with him and was present at [redacted]

[redacted] on her door one night around 10:00p.m. [redacted] said that she called Dr. Peterson and [redacted] and gave her a shot, but nothing was said about [redacted] there was nothing else.

No questions by counsel.

The court expressed thanks to the bailiffs for their fine work.

Mr. Hamilton and Mr. Thomas thanked all of Shoshone County for their cooperation.

Mr. Robinson also thanked everyone.

Jurors returned and it was stipulated all were present.

The attorneys waived the roll call of the jurors.

The court asked if the jury had reached a verdict, and Mr. Powell, the foreman said that they had. The verdicts were handed to the bailiffs, who handed them to the court.

The Clerk was instructed to read the verdict and the following verdicts were read:

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

THE STATE OF IDAHO, Plaintiff,

vs Case No. Cr. 9701

THOMAS EUGENE CREECH, Defendant VERDICT Count I

We, the Jury in the above-entitled matter, find the defendant, Thomas Eugene Creech, Guilty of Murder in the First Degree.

Dated this 22 day of October, 1975.

Robert Powell
Foreman

Approved: J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF SHOSHONE

COURT MINUTES

STATE OF IDAHO, Plaintiff) Docket No. 9701

vs.

THOMAS EUGENE CREECH Defendant) Oct. 6, 1975 Date

(CONTINUED)

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF SHOSHONE

THE STATE OF IDAHO,

Plaintiff,

vs.

THOMAS EUGENE CREECH,

Defendant

Case No. Cr. 9701

VERDICT
Count II

We, the Jury in the above-entitled matter, find the defendant, Thomas Eugene Creech, Guilty of Murder in the First Degree.

Dated this 22 day of October, 1975.

Robert Powell
Foreman

The Jury was polled as to said verdict. Each juror affirmed each verdict.

The Court instructed the Clerk to enter the Verdicts of Guilty against the defendant.

The court thanked the entire jury panel and alternates and thanked them for their attention and time in this matter., They were excused.

The court said that under the statute Judgment would be pronounced later, at a time set by the court.

Mr. Robinson said that they would take the time allowd and asked that any further hearing in this case be heard in Boise, Idaho. and asked the court to cause the defendant to be transferred to Boise, Ada County, Idaho immediabely.

Mr. Remaklus agrred to this.

The court asked if this was agr able with the defendant?

The defendant said that this wa agreeable with him and waived any right to remain in this county.

The court said that the Order would be entered and any hearings will be continued until later.

Mr. Robinson requested the court to set the pronouncing of Judgment for Nov. 3, 1975.

The court said that this would be set for Nov. 3, 1975 at 3:30 p.m., in Boise, Ada County, Idaho.

The defendant was remanded to the custody of the Sheriff to await transportation to Boise, Idaho.

Court adjourned.

Approved:

District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

THE STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant.	Case No. Cr. 9701 V E R D I C T COUNT I

We, the Jury in the above-entitled matter, find the defendant, Thomas Eugene Creech, Not Guilty by Reason of Insanity.

Dated this_____day of October, 1975.

_____
Foreman

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of the original thereof on file and of record in this office.
Date: 5/24/96
Mary A Hill Clerk

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

THE STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant.	Case No. Cr. 9701 V E R D I C T COUNT II

We, the Jury in the above-entitled matter, find the defendant, Thomas Eugene Creech, No Guilty by Reason of Insanity.

Dated this_____day of October, 1975.

_____
Foreman

[illegible] copy of record in this court

5/14/76

[illegible] Clerk

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

THE STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant.	Case No. Cr. 9701 V E R D I C T COUNT I

We, the Jury in the above-entitled matter, find the defendant, Thomas Eugene Creech, Not Guilty.

Dated this_____day of October, 1975.

_____
Foreman

STATE OF [illegible])
[illegible]) ss.
[illegible])

I hereby certify the foregoing to be a full, true and correct copy of the original record in my office.

Dated 5/14/76

Mary A Hall Clerk

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

THE STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant.	Case No. Cr. 9701 V E R D I C T COUNT I

We, the Jury in the above-entitled matter, find the defendant, Thomas Eugene Creech, Guilty of Voluntary Manslaughter.

Dated this_____day of October, 1975.

_____
Foreman

[illegible] true copy of [illegible] record in this [illegible]

Dated 5/14/76

Mary A Hill Clerk

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

THE STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant.	Case No. Cr. 9701 V E R D I C T COUNT I

We, the Jury in the above-entitled matter, find the defendant, Thomas Eugene Creech, Guilty of Murder in the Second Degree.

Dated this_____day of October, 1975.

_____
Foreman

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file of record in this court.
Dated: 5/4/76
_____ Clerk

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

THE STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant.	Case No. Cr. 9701 V E R D I C T COUNT II

We, the Jury in the above-entitled matter, find the defendant, Thomas Eugene Creech, Not Guilty.

Dated this _____ day of October, 1975.

_____
Foreman

STATE OF IDAHO, County of Shoshone
I hereby certify that the foregoing is a true copy of the original on file in my office in this court.
Date 5/14/76
Mary A Hull
Clerk

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

THE STATE OF IDAHO, **Plaintiff,** **vs.** THOMAS EUGENE CREECH, **Defendant.**	Case No. Cr. 9701 V E R D I C T COUNT II

We, the Jury in the above-entitled matter, find the defendant, Thomas Eugene Creech, Guilty of Voluntary Manslaughter.

Dated this_____day of October, 1975.

_____
Foreman

State of Idaho, County of Shoshone, ss.
I hereby certify that the foregoing is a true copy of the original as the same appears of record in this office.
Dated 5/14/76
Mary A Hall Clerk

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

THE STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant.	Case No. Cr. 9701 V E R D I C T COUNT II

We, the Jury in the above-entitled matter, find the defendant, Thomas Eugene Creech, Guilty of Murder in the Second Degree.

Dated this_____day of October, 1975.

_____
Foreman

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated 5/14/76
Mary A Hill Clerk

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

FILED
Oct 17 12 54 PM '75
Valley County

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

STATE OF IDAHO, Plaintiff,	Criminal No.
vs.	STATE'S SIXTH RESPONSE
THOMAS EUGENE CREECH, Defendant.	TO DISCOVERY ORDER

* * *

COMES NOW Robert H. Remaklus, Prosecuting Attorney of Valley County, Idaho, and in further response to the Court's discovery orders, states as follows:

That the State's updated witness list is as follows:

Loring Beals, [redacted]

Ann Bradley, [redacted]

Johnnie I. Hill, [redacted]

William Hill, Glenns Ferry Police Dept. Glenns Ferry, Idaho

Gene Hawker, [redacted]

Roy Lynn Hull, [redacted]

Lester Kelley, [redacted]

A. R. Mason, Department of Law Enforcement, Boise, Idaho

George Menzik, [redacted] (Glenns Ferry Police Dept.)

Charles Palmer, Ada County Sheriff, Boise, Idaho

Ted Nelson, [redacted]

John Stewart, [redacted]

Burton Walker, [redacted]

Wesley Woodall, [redacted]

Richard Gillilan, [redacted]

Laurins Herrick, [redacted]

Steve Hager, [redacted]

[redacted],

Steven Paul Rivers, [redacted]

Richard A. Crum, FBI, Washington D. C.

Alvin E. Hodge, FBI, Washington, D. C.

Derold E. Lynskey, Sheriff of Valley County, Cascade, Idaho

Martin J. Maxwell, Deputy Sheriff of Valley County, Cascade, ID

Carl J. Tercek, [redacted]

Emil Bladow, [redacted]

Jack Freeman, Mt. Home Police Dept., Mountain Home, Idaho

Carol Spaulding, [redacted]

Lora Boone, Attorney General Office, Boise, Idaho

Owen Krahn, [redacted]

Fred J. Hurst, [redacted]

Becky Hilby, [redacted]

Gene Hilby, [redacted]

Linda Crandall, [redacted]

Dr. Edward Colbach, [redacted]

Dr. Michael Estess, [redacted]

Dr. La Marr Heyrend, [redacted]

Dr. Delbert E. Scott, St. Alphonsus Hospital, Boise, Idaho

William Schreiber, [redacted]

Martha Spaulding, [redacted]

F. B. Sessions M.D. , Oregon State Hospital, Portland, Ore.

Gerry Fletcher, [redacted]

Dr. J. H. Treleaven, Oregon State Hospital, Portland, Ore.

Dr. W. R. Weissert, Oregon State Hospital, Portland, Ore.

Dr. Colbach, [redacted]

Bryan Miller, [redacted]

David Rowe, Attorney General Office, Boise, Idaho

Mary Hill, Judge Durtschi Office, Boise, Idaho

SALEM DETECTIVE'S

Corp. Vern Meighen

Lloyd D. Beckner

Sgt. Calvin J. Stewart

Robert H. Remaklus
Prosecuting Attorney
Valley County, Idaho

I hereby certify that the above is a true copy of
the original record in my office.

5/21/76

Mary A. Hill Clerk

STATE OF IDAHO
COUNTY OF SHOSHONE } ss
FILED:

OCT 27 10 45 AM '75

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE.

BY Margaret Lacey
DEPUTY

THE STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant.	Case No. Cr. 9701 V E R D I C T COUNT II

We, the Jury in the above-entitled matter, find the defendant, Thomas Eugene Creech, Guilty of Murder in the First Degree.

Dated this 27 day of October, 1975.

Robert Powell
Foreman

STATE OF IDAHO, County of Valley, ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated 5/14/76
Mary A Hill Clerk

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

OCT 22 10 45 AM '75

THE STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant.	Case No. Cr. 9701
	V E R D I C T
	COUNT I

We, the Jury in the above-entitled matter, find the defendant, Thomas Eugene Creech, Guilty of Murder in the First Degree.

Dated this 22 day of October, 1975.

Foreman

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original of record in this court.
Dated 5/10/76
Clerk

ROBINSON & JONES, P.A.
Attorneys at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED

J W. Crutcher
Mary a Lee

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * * * *

STATE OF IDAHO, Plaintiff, -vs- THOMAS EUGENE CREECH, Defendant.	Case No. 2165 MOTION FOR NEW TRIAL

COMES NOW the Defendant, by and through his Counsel of record, and hereby moves for a new trial based upon the following grounds, to-wit:

1. For the denial to dispense with the jury and try this matter to the Court;

2. For allowing the jurors to be challenged and dismissed for cause, based solely on their non-belief in capital punishment;

3. For denial, after the offer of proof, to go into testimony regarding the admission of the "Satanic Bible" and the giving of testimony of clergy, and others, on the realism of God and the existence of Satan;

4. For the denial, after the offer of proof, of permitting testimony of the polygraph examiner and the results of his polygraph examination.

This Motion is made and based upon the complete records

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

and files in this action.

Dated this 31st day of October, 1975.

ROBINSON & JONES, P.A.

By: _____
BRUCE O. ROBINSON
Counsel for Defendant

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 6 · NAMPA, IDAHO 83651

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/14/76
_____ Clerk

ROBINSON & JONES, P.A.
Attorneys at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

NO. _____
FILED
A.M. _____ P.M. _____
NOV 3 1975
J. Ller Crutcher CLERK
BY mary a Lee
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * * * *

STATE OF IDAHO,

Plaintiff,

-vs-

THOMAS EUGENE CREECH,

Defendant.

Case No. 2165

AFFIDAVIT IN SUPPORT OF MOTION FOR APPOINTMENT AS COURT-APPOINTED COUNSEL

STATE OF IDAHO)
) ss.
County of Canyon)

BRUCE O. ROBINSON, after being first duly sworn, deposes and says:

That he is counsel of record for the Defendant in the above-entitled action, and makes this Affidavit in support of a Motion for Appointment as Court-Appointed Counsel, filed concurrently herewith.

That your affiant has been in representation of said Defendant since the 6th day of June, 1975, having initially been contacted regarding said representation on the 30th day of May, 1975.

To this date, your affiant has spent approximately 1,040 hours in representation of said Defendant, and has expended approximately $11,015.16 in expenses in the defense. That no fee nor reimbursement of any kind has been paid by the Defendant in

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

this action to your affiant, and it is not anticipated that said Defendant will be able to pay any sums for fees or reimbursement of expenses in this matter.

That the Defendant is still in need of representation in several matters including, but not limited to the following:

(1) Presentation of Motion for New Trial;

(2) Opposition to extradition proceedings from Oregon, and possibly Nevada;

(3) Preparation of record for appeal;

(4) Preparation of Briefs on appeal;

(5) Presentation of argument on appeal before the Supreme Court.

That your affiant cannot practicably afford the costs of appeal, nor to expend the time necessary for further representation of the Defendant without reimbursement for his time, efforts and expenses.

Your affiant therefore requests that he be appointed by this Court as counsel for the Defendant, or in the alternative, that other counsel be appointed to represent said Defendant.

Further your affiant sayeth not.

BRUCE O. ROBINSON

SUBSCRIBED and SWORN to before me this 31st day of October, 1975.

Notary Public for Idho
Residence: Nampa, Idaho

(SEAL)

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/28/76
Clerk

BRUCE O. ROBINSON, ATTORNEY AT LAW P. O. BOX 8 NAMPA, IDAHO 83651

ROBINSON & JONES, P.A.
Attorneys at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

NO. _____
FILED
A.M. _____ P.M. _____
NOV 3 1975
J. W. Crosthwaite, CLERK
BY mary a. Hall, DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * * * *

STATE OF IDAHO,
Plaintiff,
-vs-
THOMAS EUGENE CREECH,
Defendant.

Case No. 2165

MOTION FOR APPOINTMENT AS COURT-APPOINTED COUNSEL

COMES NOW BRUCE O. ROBINSON, Esq., Counsel for the Defendant in the above-entitled action, and hereby moves the Court for his appointment as Court-appointed counsel for the Defendant for all further proceedings; or in the alternative, for appointment of other counsel.

This Motion is made and based on the files and records of this action, and upon the Affidavit filed concurrently herewith.

Dated this 31st day of October, 1975.

ROBINSON & JONES, P.A.

By _____
BRUCE O. ROBINSON
Counsel for Defendant

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated 5/14/76
mary a. Hall, Clerk

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

ROBINSON & JONES, P.A.
Attorneys at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED
NOV 3 1975
J. R. Anderson, CLERK
By Mary A. Hall, DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * * * *

STATE OF IDAHO,
Plaintiff,
-vs-
THOMAS EUGENE CREECH,
Defendant.

Case No. 2165

NOTICE OF HEARING

TO: The Clerk of the above-entitled Court; LYNN THOMAS, Deputy Attorney General, and ROBERT REMAKLUS, Prosecuting Attorney for Valley County, Idaho.

NOTICE IS HEREBY GIVEN that the following listed Motions made by the Defendant, will be called up for hearing before this Court in the Courthouse at Boise, Idaho, on the _____ day of November, 1975, at the hour of 3:30 o'clock P.M., or as soon thereafter as counsel can be heard.

Said Motions are as follows, to-wit:

Motion for New Trial;

Motion to Set Aside Verdict;

Motion for Appointment as Court-Appointed Counsel.

Dated this 3rd day of November, 1975.

BRUCE O. ROBINSON
Counsel for Defendant

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/04/76
Mary A. Hall, Clerk

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

ROBINSON & JONES, P.A.
Attorneys at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED
A.M. P.M.
NOV 3 1975
J. W. Crutcher CLERK
BY Mary A. Sell DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * * * *

STATE OF IDAHO,
Plaintiff,
-vs-
THOMAS EUGENE CREECH,
Defendant.

Case No. 2165

MOTION TO SET ASIDE VERDICT

COMES NOW the Defendant, by and through his Counsel of record, and hereby moves the Court for an order setting aside the verdict rendered by the jury herein and arresting judgment upon said verdict upon the basis that the statute enacted by the Legislature in the State of Idaho making the death penalty mandatory on the conviction of First Degree Murder, is unconstitutional. That the same is immoral, discriminatory, and cruel and unusual punishment, all contrary to the guidelines set down in the U. S. Supreme Court case of Furman v. Georgia, 408 U.S. 238, 33 L.Ed.2d 346, 92 S.Ct. 2726 Reh. Den., 409 U.S. 902, 34 L.Ed.2d 163, 93 S. Ct. 89 (1972).

Dated this 3rd day of November, 1975.

ROBINSON & JONES, P.A.

By: BRUCE O. ROBINSON
Counsel for Defendant

STATE OF IDAHO, County of Valley: ss.
I hereby certify the foregoing is a true copy of the original on file of record in this court.
Dated: 11/3/75
Mary A. Sell Clerk

BRUCE O. ROBINSON ATTORNEY AT LAW P. O. BOX 8 · NAMPA, IDAHO 83651

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

NO. _____

FILED

A.M. _____ P.M. _____

NOV 3 1975

E.W. Crutcher CLERK

DEPUTY

STATE OF IDAHO,

Plaintiff,

v.

THOMAS EUGENE CREECH,

Defendant.

Case No. 2165

FINDINGS, CONCLUSION AND ORDER

The defendant's motion to suppress his statement of 8 November, 1974, came on before the court for hearing before trial on the 3rd day of October, 1975, in the courtroom at Wallace, Idaho.

The court heard evidence in support of and in opposition to defendant's motion to suppress and makes the following findings:

1. From the time of defendant's arrest until and including the time of giving the said statement, the defendant was alert, coherent in speech, purposeful in his behavior and responsive to questions put to him; he was fully in possession of his powers of thought and reason;

2. Prior to any interrogation and prior to the giving of the said statement, the miranda warnings were fully and completely given to the defendant.

3. The defendant understood the miranda warnings given to him.

4. The defendant waived the rights to remain silent, to consult with a lawyer before making any statement, and to have a lawyer present during questioning.

5. The said waiver was knowingly, intelligently and voluntarily made inasmuch as the defendant understood all of his rights, realized that any statement made would be used against him and waived his rights to silence and to the advice and presence of counsel without any promise of reward or consideration and in the absence of any threat or coercion; the defendant was aware of his actions and purposeful in his decision to waive his rights; the defendant comprehended and understood what he was doing.

6. The defendant reads and understands the English language and is of average intelligence as indicated by his ability to understand and respond to questions.

WHEREFORE, The court concludes that the defendant's subject statement was knowingly, intelligently and voluntarily given without threat or promise and is not subject to exclusion on the ground of involuntariness.

The Defendant's motion to suppress is therefore DENIED.

DATED: Oct. 3, 1975

J. RAY DURTSCHI
District Judge

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/10/76
Mary Lee Hill Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF ~~ADA~~ VALLEY

NO. _____

FILED

NOV 3 1975

J W Crutcher CLERK

The State of Idaho

Plaintiff

-vs-

THOMAS EUGENE CREECH

Defendant

CERTIFICATE OF MAILING NOTICE PURSUANT TO RULE 77 (d) and 55 (b) (1) I.R.C.P.

I, J. W. CRUTCHER, the undersigned authority, do hereby certify that I have mailed, by United States mail, one copy of the

list below

as notice pursuant to Rule 77 (d) and 55 (b) (1) I. R.C.P. to each of the attorneys of record in this cause in envelopes addressed as follows:

Robert Remaklus
Prosecuting Attorney
Valley County
P. O. Box 759
Cascade, Idaho

Lynn Thomas
Deputy Prosecuting Attorney
State House
Boise, Idaho

1 copy hand delivered

Bruce O Robinson
Attorney at Law
P. O. Box 8
Nampa, Idaho

hand delivered.

Ms Victoria White
Clerk of the District Court
P. O. Box 759
~~Cascade~~, Idaho 83611

Motion for New Trial
Motion for Appointment as Court-Appointed Counsel
Affidavit in Support of Motion for Appointment as Court Appointed Counsel
Motion to Set Aside Verdict
Notice of Hearing
Findings, Conclusion & Order

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 11-3-75

mary a Lee Clerk

J W Crutcher
~~CLARENCE B. PLANTINE~~
Clerk of the District Court
Valley ~~Ada~~ County, Idaho

By mary a Lee
Deputy Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA VALLEY

HON. J. RAY DURTSCHI SEPTEMBER Term 19 75

District Judge

November 3, 1975

Date

COURT MINUTES

The State of Idaho
Plaintiff -
vs
Thomas Eugene Creech
Defendant -

No. CR VC 2165

MURDER IN THE FIRST DEGREE L-11 0153 - 0190

Appearances:

Robert Remaklus, Prosecuting Attorney — Counsel for State

Lynn Thomas, Deputy Attorney General — Counsel for State

Bruce O. Robinson — Counsel for Defendant

Defendant present and appearing in custody of the Ada County Sheriff.

Hearing continued from October 22, 1975 for sentencing.

3:30 p.m., Time scheduled for further proceedings. All present

There being no objections by the defendant this matter was scheduled for hearing in Ada County.

On defendant's motion for Setting Aside Verdict the Court allowed Counsel for defendant 7 days to lodge brief, 7 days for State to respond and 3 days for defendant to reply. This matter was continued to December 4, 1975 at 3:30 p.m. for argument and all further proceedings.

Argument re/ defendant's motions for new trial and Court appointed-counsel.

The Court denied motion for new trial, and denied motion for Court Appointed-Counsel and leave for Counsel for Defendant, Mr. Robinson, to withdraw without prejudice for payment of transcript to the defendant.

Affidavit to be filed by the Defendant.

Defendant remanded to the custody of the Ada County Sheriff.

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/10/76
mary e Lee Clerk

Reporter: Harry Englund Approved by:

Clerk: marya

Dated: November 3, 1975

J. Ray Durtschi
District Judge

The Defendant's motion to set aside the verdict, dated November 3, 1975, is deferred for hearing until December 4, 1975. In the interim, the Defendant is given seven (7) days from the date of this ORDER in which to file a brief in support of the motion. The State shall then have seven (7) days in which to respond following which the Defendant shall have an additional three (3) days to file a rebuttal brief.

DATED This 4th day of November, 1975.

J. RAY DURTSCHI
District Judge

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/24/76
Mary A Lee Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO Plaintiff, v. THOMAS EUGENE CREECH, Defendant.	)	Case No. 2165 ORDER DENYING MOTIONS

FILED

NOV 4 1975

J. W. Crutcher, CLERK

BY Mary A. Lee

The Defendant's motion for a new trial and his motion for appointment of court-appointed counsel came on before the court for hearing on the 3rd day of November, 1975, the parties having stipulated in open court that such matters might be heard at that time upon short notice.

The Defendant's motion for new trial is based upon four grounds, namely that the Defendant was denied a trial before the court sitting without a jury; that perspective jurors were challenged for cause and dismissed based soley because of their non-belief in capital punishment; that evidence relating to the santanic bible and testimony by clergymen and others on "the realism of God and the existence of Satan," was not admitted; and that the testimony of a polygraph examiner and the results of his polygraph examination was not admitted into evidence.

The Defendant's motion for new trial is DENIED.

The law of this State does not permit a felony case to be tried before the court sitting without a jury. Moreover, no showing was made and it does not appear from examination of prospective jurors that the effects of pretrial publicity were so pervasive and disadvantageous to the Defendant as to necessitate dispensing with a jury and trying the case before the court alone.

Defendant's claim that jurors were challenged and dismissed for cause based soley upon non-belief in capital

punishment is erroneous. No juror was excused for such reason. Only those prospective jurors who testified that they could not fairly consider the question of guilt or innocence and could not render a verdict of guilty to the charge of first degree murder, irrespective of the state of the evidence, were excused for cause. Moreover, the defendant may not complain of the final composition of the jury inasmuch as the Defendant waived two of his premptory challenges.

No showing was made in the Defendant's offer of proof, or otherwise, that the proffered evidence relating to the "satanic bible" and the testimony of clergymen and others on "the realism of God and existence of satan" was relevant to any of the issues of the case.

Evidence of the results of a polygraph examination is inadmissible under the laws of the State of Idaho. Furthermore, no proper foundation was laid respecting the qualifications of the proffered polygraph examiner and the methodology used in conducting the polygraph examination.

The Defendant's motion to have his attorney, Bruce O. Robinson, appointed as court-appointed counsel is DENIED. The court does not believe that the interest of justice would be well served by permitting the Defendant's retained counsel to withdraw at this time and shift the burden of proceeding on appeal to the Valley County public defender who withdrew from the case on his own motion after request of the Defendant that he do so.

IT IS FURTHER ORDERED That the Defendant may have the transcript on appeal prepared at State expense provided that the Defendant makes a proper showing before this court of indigency.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

FILED

A.M. P.M.

NOV 6 1975

CLARENCE A. HARTING, CLERK

BY mary a Hill DEPUTY

The State of Idaho

Plaintiff

-vs-

Thomas Eugene Creech

Defendant

CERTIFICATE OF MAILING NOTICE PURSUANT TO RULE 77 (d), and 55 (b) (1) I.R.C.P.

I, Mary A. Hill, the undersigned authority, do hereby certify that I have mailed, by United States mail, one copy of the

MEMORANDUM IN SUPPORT OF MOTION TO SET ASIDE VERDICT

as notice pursuant to Rule 77 (d) and 55 (b) (1) I. R.C.P. to each of the attorneys of record in this cause in envelopes addressed as follows:

Lynn T homas
Deputy Attorney General
State House
Boise, Idaho

Robert H. Remaklus
P. O. Box 759
Cascade, Idaho 83611

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.

Dated 5/11/76

mary a Hill Clerk

~~CLARENCE A. HARTING~~
Clerk of the District Court
Valley ~~Ada~~ County, Idaho

By mary a Hill
Deputy Clerk

ROBERT H. REMAKLUS
Valley County Prosecuting Attorney
P.O. Box 759
Cascade, Idaho 83611
Telephone: 382-4270

LYNN E. THOMAS
Deputy Attorney General
Special Assistant Prosecutor
Attorney General's Office
Statehouse, Boise, Idaho 83720
Telephone: 384-2400

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO, Plaintiff, v. THOMAS EUGENE CREECH, Defendant.	Case No. 2165 PLAINTIFF'S BRIEF IN OPPOSITION TO DEFENDANT'S MOTION TO SET ASIDE VERDICT

The Defendant, THOMAS EUGENE CREECH, has moved to set aside the verdict of the jury finding the defendant guilty of two counts of murder in the first degree. The Defendant contends that the mandatory death penalty statute is unconstitutional and cites as authority, in support of that proposition, the case of Furman v. Georgia, 408 U.S. 902, 34 L.Ed.2d 346, 92 S.Ct. 2726.

It will be recalled that Furman v. Georgia, supra, which was decided in 1972 was a per curiam opinion of the Supreme Court of the United States. It was accompanied by nine separate opinions, one from each justice. Five members of the court subscribed to the per curiam opinion and four justices dissented.

No single reason for the decision emerges clearly. The per curiam opinion of the court is to the effect that the carrying out of the death penalty in the particular cases involved constituted cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments.

Justice Douglas, in a concurring opinion, expressed the view that the penalty was cruel and unusual when selectively applied to minorities. Justices Stewart and White believed that the death penalty was unconstitutional in the case at hand because it had been capriciously applied. Justice White stated that it was unnecessary to decide whether the death penalty was unconstitutional per se. Justice Brennan felt that the death penalty was unconstitutional because it was arbitrarily applied and could not be shown to serve any penal purpose more effectively than any less drastic punishment. Justice Marshall felt that the death penalty was excessive and unnecessary and therefore morally unacceptable to the people of the United States.

It can be seen that, of the five justices supporting the per curian opinion, the only thread of agreement about the rationale of the decision concerns the principle that the death penalty is unconstitutional when discriminatorily applied. For those cases which have wrestled with the constitutionality of the death penalty, while awaiting clarification, see: McCorquodale v. State, 211 S.E.2d 577 (Ga. 1974); State v. Enderson, 109 Ariz. 117, 506 P.2d 248 (1973); People v. Stanworth, 114 Cal.Rptr. 250, 522 P.2d 1058 (1974); People v. Fulmer, 524 P.2d 606 (Colo. 1974); State v. Rhodes, 524 P.2d 1095 (Mont. 1974); Pate v. State, 507 P.2d 915 (Okl. Crim. 1973); State v. Braun, 82 Wash.2d 157, 509 P.2d 742 (1973).

The Idaho statute, and other statutes purporting to establish a mandatory death penalty, constitute an attempt to respond to the court's objections in Furman v. Georgia. Nothing in the opinion of the court in Furman v. Georgia makes the present statute unconstitutional.

At the present time, the United States Supreme Court has deferred to the present time additional arguments on the question of the constitutionality of the mandatory death

penalty statutes. Inasmuch as the questions raised by the Defendant are presently before the highest court, it would be premature for this court to make a constitutional judgment on the validity of the mandatory death penalty statute.

Until the Supreme Court clarifies its ruling in Furman v. Georgia, the presumption of validity which applies to state's statutory enactments must govern the outcome of the Defendant's motion.

Lynn E. Thomas

LYNN E. THOMAS
Deputy Attorney General
Special Assistant Prosecutor

CERTIFICATE OF MAILING

I HEREBY CERTIFY That I have on the 18 day of November, 1975, served a true and correct copy of the foregoing PLAINTIFF'S BRIEF IN OPPOSITION TO DEFENDANT'S MOTION TO SET ASIDE VERDICT, by depositing a copy thereof in the United States mail, postage prepaid and addressed to Bruce O. Robinson, P.O. Box 8, Nampa, Idaho 83651.

Lynn E. Thomas

LYNN E. THOMAS

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 7-1-76
Mary A. Lee Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF ~~ADA~~ VALLEY

FILED

Nov 19 1975

mary a hill

The State of Idaho

Plaintiff

-vs-

Thomas Eugene Creech

Defendant

CERTIFICATE OF MAILING NOTICE PURSUANT TO RULE 77 (d), and 55 (b) (1) I.R.C.P.

I, Mary A. Hill, the undersigned authority, do hereby certify that I have mailed, by United States mail, one copy of the

Plaintiff's Brief in Opposition to Defendant's Motion to Set Aside Verdict

as notice pursuant to Rule 77 (d) and 55 (b) (1) I. R.C.P. to each of the attorneys of record in this cause in envelopes addressed as follows:

Lynn Thomas
Deputy Attorney General
State House
Boise, Idaho 83720

Robert H. Remaklus
Prosecuting Attorney
Valley County
Cascade, Idaho 83611

Ms Victoria White
Clerk of the District Court
P. O. Box 759
Wallace, Idaho 83873

Bruce O. Robinson
Attorney at Law
P.O. BOX 8
NAMPA, IDAHO 83651

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/19/76

mary a hill Clerk

~~ADA~~ VALLEY
Clerk of the District Court
~~Ada~~ County, Idaho

By mary a hill
Deputy Clerk

ROBINSON & JONES, P.A.
Attorneys at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED
A.M. _____ P.M.
NOV 25 1975
By mary a hill

IN THE DISTICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * * * *

STATE OF IDAHO, Plaintiff, -vs- THOMAS EUGENE CREECH, Defendant.	Case No. 2165 MOTION FOR COSTS OF APPEAL TO BE BORN BY STATE

COMES NOW the Defendant above named, by and through his Counsel of record, and moves this Court for its Order granting to the Defendant the right to obtain the transcript of the trial, the Clerk's records, and all other material pertinent to an Appeal, plus all costs attendant in the Appeal from the verdict and Judgment of the District Court in the above-entitled case, to be born by the State. This Motion is based upon the previous Motions made by this Defendant for court-appointed counsel, and upon the Defendant's Affidavit verifying his indigency.

Dated this 11th day of November, 1975.

ROBINSON & JONES, P.A.

By: _____
BRUCE O. ROBINSON
Counsel for Defendant

STATE OF IDAHO, County of Valley ss.
I hereby certify the above is a true copy of the record in this court.
Dated 11/25/75
mary a hill Clerk

ROBINSON & JONES, P.A. - ATTORNEYS AT LAW - P.O. BOX 8 - NAMPA, IDAHO 83651

O R D E R

A Motion having been made in open court on the 3rd day of November, 1975, for the court to appoint counsel for further proceedings to represent the Defendant, and upon its denial, a Motion having been made orally at that time and place for the State to bear the costs of the Appeal of the Defendant, and there being no objections to the latter Motion by the State, and the Motion having been subsequently reduced to writing along with an Affidavit of the Defendant defining and verifying his indigency; and the Court then being fully advised in the premises;

Therefore ORDERS, and this does hereby ORDER that all costs in the Appeal by the Defendant to the Idaho Supreme Court shall be born by the State. These costs shall include court reporters transcript, Clerk's record, filing fees, etc., and shall include all costs save and except for attorney's fees incurred in said Appeal.

Dated this 12th day of November, 1975.

DISTRICT JUDGE

ROBINSON & JONES, P.A. - ATTORNEYS AT LAW - P.O. BOX 8 - NAMPA, IDAHO 83651

ROBINSON & JONES, P.A.
Attorneys at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

IN THE DISTICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * * * *

STATE OF IDAHO, Plaintiff, -vs- THOMAS EUGENE CREECH, Defendant.	Case No. 2165 **AFFIDAVIT OF MAILING**

STATE OF IDAHO)
) ss.
County of Canyon)

SANDRA D. THOMPSON, after being first duly sworn, deposes and says:

That she is the Clerk and secretary in the law offices of ROBINSON & JONES, P.A., Attorneys at Law, Nampa, Idaho; that she did on the 1st day of December, 1975, serve a copy of the attached NOTICE OF APPEAL in the above-entitled action upon the following:

LYNN A. THOMAS,
Deputy Attorney General
State of Idaho
Statehouse
Boise, Idaho 83702

ROBERT H. REMAKLUS
Prosecuting Attorney
Valley County Courthouse
Cascade, Idaho 83611

by depositing a copy of the same in the United States mail, the same being registered with postage prepaid thereon, in an envelope to the above-named persons at their addresses as the same are

ROBINSON & JONES, P.A. - ATTORNEYS AT LAW - P.O. BOX 8 - NAMPA, IDAHO 83651

last known to her.

Sandra D. Thompson
SANDRA D. THOMPSON

SUBSCRIBED and SWORN to before me this 1st day of December, 1975.

Loraine H. Jones
Notary Public for Idaho
Residence: Nampa, Idaho

(SEAL)

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/19/76
Mary A. Hall Clerk

ROBINSON & JONES, P.A. - ATTORNEYS AT LAW - P.O. BOX 8 - NAMPA, IDAHO 83651

ROBINSON & JONES, P.A.
Attorneys at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED
A.M. ____
DEC-2 1975
By Mary A. Hall

IN THE DISTICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * * * *

STATE OF IDAHO, Plaintiff, -vs- THOMAS EUGENE CREECH, Defendant.	Case No. 2165 NOTICE OF APPEAL

COMES NOW the above-named Defendant, THOMAS EUGENE CREECH, by and through his Counsel of record, and gives Notice to the State of Idaho, pursuant to Idaho Code 19-2806, of the Defendant's Appeal of that certain Order dated November 4, 1975, denying Defendant's Motion for a new trial and his Motion for appointment of court-appointed counsel.

Dated this 1st day of December, 1975.

ROBINSON & JONES, P.A.

By: _____
BRUCE O. ROBINSON
Counsel for Defendant

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Date 5/11/76
Mary A. Hall Clerk

ROBINSON & JONES, P.A. - ATTORNEYS AT LAW - P.O. BOX 8 - NAMPA, IDAHO 83651

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF ~~KKK~~ VALLEY

HON. J. RAY DURTSCHI ~~SEPTEMBER~~ Term 1975
District Judge

December 4, 1975
Date

COURT MINUTES

The State of Idaho)
)
vs Plaintiff -) No. CR V.C. 2165
)
Thomas Eugene Creech)

Defendant -

MURDER IN THE FIRST DEGREE

Appearances:

Lynn Thomas
Robert Remaklus
Prosecuting Attorney — Counsel for Plaintiff

Bruce Robinson — Counsel for Defendant

Defendant present and appearing in custody of the Ada County Sheriff.

Hearing continued from November 3, 1975 for sentencing.

Argument on defendant's motion to set aside verdict.

The Court denied defendant's motion.

Counsel on behalf of defendant requested additional phychiatric evaluation, an extensive presentence report and continuance for sentencing.

The Court continued matters for further proceedings on defendant's requests to 3:30 p.m., January 16, 1976.

Defendant remanded to the custody of the Ada County Sheriff.

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/10/76
maryn Lee Clerk

Reporter: John Gambee Approved by:

Clerk. marya

Dated: December 4, 1975

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO,

Plaintiff,

v.

THOMAS EUGENE CREECH,

Defendant.

FILED
A.M. ____ P.M. ____
JAN 13 1976

Case No. 2165

ORDER DENYING MOTION TO SET ASIDE VERDICT

The defendant's Motion to Set Aside the Verdict herein, which raised issues of the constitutionality of the mandatory death penalty provided by law in the State of Idaho, came on before the court for hearing on the 4th day of December, 1975. The State of Idaho was represented by Robert H. Remaklus, Prosecuting Attorney of Valley County, Idaho and Lynn E. Thomas, Deputy Attorney General of the State of Idaho. The Defendant was present in court and represented by his counsel, Bruce O. Robinson.

The Court heard the arguments of counsel and having fully considered the matters raised therein and having read and considered the briefs of both parties, the Court, being fully advised in the law and in the premises, concluded that the Defendant's Motion to set aside the verdict of guilt rendered against the Defendant, Thomas Eugene Creech, should be, and the same is, DENIED.

DATED This 13 day of January, 1976.

J. RAY DURTSCHI
District Judge

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/04/76
Clerk

ROBINSON & JONES, P.A.
Attorneys at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO, Plaintiff, -vs- THOMAS EUGENE CREECH, Defendant.	Case No. 2165 MOTION FOR PSYCHIATRIC EXAMINATION AND EVALUATION

COMES NOW the above-named Defendant by and through his Counsel of Record, BRUCE O. ROBINSON, and moves the Court for its Order ordering that prior to the sentencing of said Defendant that there be conducted a psychiatric examination and evaluation to determine the mental capacity relating to sanity and insanity. It is further moved that said examination and evaluation be done at the Psychiatric Section of the Idaho State Penitentiary and that said examination and evaluation be at the expense of the State of Idaho.

Dated this 8th day of January, 1976.

BRUCE O. ROBINSON
Attorney for Defendant

I certify that on the 8th day of Jan 1976 I mailed U.S. Mail postage prepaid a copy of the foregoing motion to the Counsel for Plaintiff

Robert Remaklus
Prosecuting Attorney
Valley County Courthouse
Cascade, Idaho 83611

Lynn Thomas
Deputy Attorney General
Statehouse
Boise, Idaho 83702

Bruce O. Robinson

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Date 5/14/76
Mary A. Lee Clerk

ROBINSON & JONES, P.A. - ATTORNEYS AT LAW - P.O. BOX 8 - NAMPA, IDAHO 83651

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the above and foregoing Motion of the Defendant will be called up for hearing on the 16th day of January, 1976 at 3:30 o'clock P.M. of said day at the Ada County Courthouse in Boise, Idaho.

Dated this 8th day of January, 1976.

BRUCE O. ROBINSON
Attorney for Defendant

ROBINSON & JONES, P.A. - ATTORNEYS AT LAW - P.O. BOX 8 - NAMPA, IDAHO 83651

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

FILED

JAN 13 1976

The State of Idaho
Plaintiff

-vs-

Thomas Eugene Creech
Defendant

CERTIFICATE OF MAILING NOTICE PURSUANT TO RULE 77 (d), and 55 (b) (1) I.R.C.P.

I, Mary A. Hill, the undersigned authority, do hereby certify that I have mailed, by United States mail, one copy of the

Order Denying Motion to Set Aside Verdict
Motion for Psychiatric Examination & Evaluation

as notice pursuant to Rule 77 (d) and 55 (b) (1) I. R.C.P. to each of the attorneys of record in this cause in envelopes addressed as follows:

Bruce O. R obinson
Attorney at Law
Box 8
Nampa, Idaho 83651

Ms Victoria White
Clerk of the District Court
P. O. Box 759
Wallace, Idaho 83873

Robert H. Remaklus
Prosecuting Attorney
Valley County
Cascade, Idaho 83611

Lynn Thomas
Deputy Attorney General
State House
Boise, Idaho 83720

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.

Dated: _____

_____ Clerk

J. W. Centelon
Clerk of the District Court
Valley County, Idaho

By mary a Hill
Deputy Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF ~~ADA~~ VALLEY

HON. J. RAY DURTSCHI _____ Term 19

District Judge

January 16, 1976

Date

COURT MINUTES

The State of Idaho)
)
Plaintiff -) No. CR 2165
vs)
Thomas Eugene Creech)
Defendant -

MURDER IN THE FIRST DEGREE L-20 0654 - 0683

Appearances:

Robert Remaklus, Prosecuting Attorney — Counsel for State

Bruce O. Robinson — Counsel for Defendant

Defendant present and appearing in custody of the Ada County Sheriff.

Hearing on defendant's motion for psychiatric evaluation.

Argument.

The Court ordered psychiatric evaluation and appointed Dr. Estess and granted leave to defendant to appoint Dr. Humiston at expense of State.

There being no objection by Counsel or defendant the Court continued this matter for hearing report to March 5, 1976 at 3:30 p.m.

Defendant remanded to the custody of the Ada County Sheriff.

STATE OF IDAHO, County of Valley: ss,
I hereby [illegible] that the foregoing is a true copy of the [illegible] of record in this court.
Dated: 5/21/76
Mary A Lee Clerk

Reporter: John Gambee Approved by:

Clerk: mary

Dated: January 16, 1976

J. Ray Durtschi
District Judge

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * *

FILED

P.M.

JAN 20 1976

THE STATE OF IDAHO,

Plaintiff,

vs

THOMAS EUGENE CREECH,

Defendant.

CRIMINAL CASE NO. V.C.2165

ORDER

* * *

The Defendant in this action having filed his written Motion for Examination as to his capacity to understand further proceedings against him:

IT IS HEREBY ORDERED, pursuant to the provisions of Sections 18-210 and 18-211, that Dr. Michael Estess a duly qualified psychiatrist, heretofore appointed by the Court to conduct an examination, further examine and report upon the present mental condition of the Defendant.

The Defendant having further requested that a psychiatrist of his choice be permitted to make a further examination and having requested that Dr. Karl Humiston be appointed for this purpose, the Court does hereby also appoint Dr. Humiston to examine and report upon the present mental condition of the Defendant.

Such examinations shall be conducted at the Ada County jail.

In such examination any method may be employed which is accepted by the medical profession for the examination of those alleged to be suffering from mental disease or defect.

The Report of the examination shall include the following:

(1) A Description of the nature of the examination;

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Date: 5/4/76
mary a Hill Clerk

(2) A diagnosis of the present mental condition of the Defendant including any change since October 21, 1975, the time trial concluded.

(3) If the Defendant suffers from a mental disease or defect, an opinion as to his capacity to understand further proceedings pending in this matter.

If the examination cannot be conducted by reason of the unwillingness of the Defendant to participate therein, the report shall so state and shall include, if possible, an opinion as to whether such unwillingness of the Defendant was the result of mental disease or defect.

The Report of the examination shall be filed in triplicate with the Court, which shall cause copies to be delivered to the Prosecuting Attorney and to Counsel for the Defendant.

Dated this 20th day of January, 1976.

DISTRICT JUDGE

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

LYNN E. THOMAS
Deputy Attorney General
Special Assistant Prosecutor
Attorney General's Office
Statehouse, Boise, Idaho 83720
Telephone: 384-2400

FILED
A.M. ..... P.M. .....
JAN 20 1976
Mary A. Hill
Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant.	Case No. 2165 STIPULATION AND ORDER FOR RETURN AND SUBSTITUTION OF EXHIBITS

COME NOW the parties hereto by and through their respective counsel of record and stipulate and agree as follows:

1. That a hand held tape recorder admitted into evidence as State's Exhibit No. 64 shall be withdrawn so that the same may be returned to Weslie L. Woodall the owner thereof; and

2. That a photocopy of State's Exhibit No. 68 (poem composed by defendant about plane crash) shall be made by the Clerk of the above entitled Court and substituted in evidence in lieu of the original exhibit and the original exhibit shall be delivered to Ada County Sheriff Charles E. Palmer.

DATED this 8th day of January, 1976.

ROBERT H. REMAKLUS
Prosecuting Attorney Valley County, Idaho
Attorney for Plaintiff

ROBINSON & JONES, P. A.

By _____
BRUCE O. ROBINSON
Counsel for Defendant

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.

Date: _____

_____ Clerk

O R D E R

Upon reading and filing the above Stipulation and the Court being fully advised in the premises,

IT IS HEREBY ORDERED as follows:

1. That the Clerk of the above entitled Court shall withdraw State's Exhibit No. 64 from evidence and deliver the same to Weslie L. Woodall.

2. That the Clerk of this Court shall make a true and correct photo copy of State's Exhibit No. 68 and substitute the same in evidence in lieu of such Exhibit and that said Clerk shall deliver said original exhibit to Ada County Sheriff Charles E. Palmer.

DATED this 20th day of January, 1976.

District Judge

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

FOR THE COUNTY OF VALLEY

FILED

A.M. ..... P.M. .....

JAN 23 1976

Mary A. Hill

THE STATE OF IDAHO

Plaintiff

-vs-

THOMAS EUGENE CREECH,

Defendant

CERTIFICATE OF MAILING NOTICE PURSUANT TO RULE 77 (d), and 55 (b) (1) I.R.C.P.

I, Mary A. Hill, the undersigned authority, do hereby certify that I have mailed, by United States mail, one copy of the

Order for Psychiatric evaluation & Stipulation and Order for Return and Substitution of Exhibits

as notice pursuant to Rule 77 (d) and 55 (b) (1) I. R.C.P. to each of the attorneys of record in this cause in envelopes addressed as follows:

Bruce O. Robinson
Attorney at Law
P.O. Box 8
Nampa, ID 83651

Ms. Victoria White
Clerk of the District Court
P.O. Box 759
Wallace, ID 83873

Robert H. Remaklus
Prosecuting Attorney
Valley County
Cascade, ID 83611

Lynn Thomas
Deputy Attorney General
Statehouse
Boise, ID 83720

Dr. Michael Estess
[redacted]

Dr. Karl E. Humiston
[redacted]

CLARENCE A. RUNTING
Clerk of the District Court
Valley County, Idaho

By _____
Deputy Clerk

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original of record in this court.
Dated 1/24/76
Mary A. Hill Clerk

ROBINSON & JONES, P.A.
Attorneys at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED
A.M. ..... P.M.
JAN 22 1976
mary a hill

IN THE DISTICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * * * *

STATE OF IDAHO,
Plaintiff,
-vs-
THOMAS EUGENE CREECH,
Defendant.

Case No. 2165

NOTICE OF APPEAL

COMES NOW the above-named Defendant, THOMAS EUGENE CREECH, by and through his Counsel of record, BRUCE O. ROBINSON, Esq., of the law firm of ROBINSON & JONES, P. A., and gives Notice to the State of Idaho, pursuant to Idaho Code, §19-2806, of the Defendant's Appeal of that certain Order Denying Motion to Set Aside Verdict, dated the 13th day of January, 1976.

Dated this 20th day of January, 1976.

ROBINSON & JONES, P. A.

By: _____
BRUCE O. ROBINSON
Counsel for Defendant

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original thereof on file of record in this court.
Dated 5/21/76
mary a hill Clerk

ROBINSON & JONES, P.A. - ATTORNEYS AT LAW - P.O. BOX 8 - NAMPA, IDAHO 83651

ROBINSON & JONES, P.A.
Attorneys at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

IN THE DISTICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * * * *

STATE OF IDAHO, Plaintiff, -vs- THOMAS EUGENE CREECH, Defendant.	Case No. 2165
	AFFIDAVIT OF MAILING

STATE OF IDAHO)
) ss.
County of Canyon)

SANDRA D. THOMPSON, after being first duly sworn, deposes and says:

That she is the Clerk and secretary in the law offices of ROBINSON & JONES, P. A., Attorneys at Law, Nampa, Idaho; that she did on the 20th day of January, 1976, serve a copy of the attached NOTICE OF APPEAL in the above-entitled action upon the following:

LYNN A. THOMAS
Deputy Attorney General
State of Idaho
Statehouse
Boise, Idaho 83702

ROBERT H. REMAKLUS
Prosecuting Attorney
Valley County Courthouse
Cascade, Idaho 83611

by depositing a copy of the same in the United States mail, the same being registered with postage prepaid thereon, in an envelope to each of the above-named persons at their addresses as the same are last known to her.

Sandra D. Thompson
SANDRA D. THOMPSON

SUBSCRIBED and SWORN to before me this 20th day of January, 1976.

Alice M. Kiernan
Notary Public for Idaho

ROBINSON & JONES, P.A. - ATTORNEYS AT LAW - P.O. BOX 8 - NAMPA, IDAHO 83651

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

FILED

JAN 27 1976

Mary A. Hill Clerk

The State of Idaho

Plaintiff

-vs-

Thomas Eugene Creech

Defendant

CERTIFICATE OF MAILING NOTICE PURSUANT TO RULE 77 (d), and 55 (b) (1) I.R.C.P.

I, Mary A. Hill, the undersigned authority, do hereby certify that I have mailed, by United States mail, one copy of the

Nov. 12, 1975 - Copy of Notion for Costs of Appeal & Affidavit
Dec. 2, 1975 - Copy of Notice of Appeal
Jan 22, 1976 - Notice of appeal

as notice pursuant to Rule 77 (d) and 55 (b) (1) I. R.C.P. to each of the attorneys of record in this cause in envelopes addressed as follows:

Bruce O. Robinson
Attorney at Law
P. O. Box 8
Nampa, Idaho 83651

Ms Victoria White
Clerk of the District Ct.
P. O. Box 759
Wallace, Idaho 83873

Robert H. Remaklus
Prosecuting Attorney
Valley County
Cascade, Idaho 83611

Lynn Thomas
Deputy Attorney General
Statehouse
Boise, Idaho 83720

J. W. Crutcher
Clerk of the District Court
Valley County, Idaho

By Mary A. Hill
Deputy Clerk

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated 2/2/76
Mary A. Hill Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA [redacted]

FILED

A.M. ..... P.M. .....

FEB 17 1976

J.W. Corbett CLERK

By Mary A. Hill DEPUTY

The State of Idaho

Plaintiff

-vs-

Thomas Eugene Creech

Defendant

CERTIFICATE OF MAILING NOTICE PURSUANT TO RULE 77 (d), and 55 (b) (1) I.R.C.P.

I, Mary A. Hill, the undersigned authority, do hereby certify that I have mailed, by United States mail, one copy of the

Psychiatric Evaluation

as notice pursuant to Rule 77 (d) and 55 (b) (1) I. R.C.P. to each of the attorneys of record in this cause in envelopes addressed as follows:

Bruce Robinson
Attorney at Law
Box 8
Nampa, Idaho

Ms Victoria White
Clerk of the District Court
P. O. Box 759
Wallace, Idaho 83873

Robert H. Remaklus
Prosecuting Attorney
Valley County
Cascade, Idaho 83611

Lynn Thomas
Deputy Attorney General
Statehouse
Boise, Idaho 83720

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.

Dated: 2/17/76

Mary A. Hill Clerk

J.W. Corbett
[redacted]
Clerk of the District Court
Valley [redacted] County, Idaho

By Mary A. Hill
Deputy Clerk

KARL E. HUMISTON, M.D.
BONNIE A. RICH, R.N., M.S.
1050 CLOVER DRIVE
BOISE, IDAHO 83703

TELEPHONE (208) 345-3754

NO. _____
FILED
A.M. _____ P.M. _____
FEB 17 1976
J. W. Gouldsberry, CLERK
BY Mary A. Hill
DEPUTY

12 February 1976

J. Ray Durtschi, District Judge
Ada County Court House
Boise, Idaho 83702

RE: Thomas E. Creech

Dear Judge Durtschi:

This is in response to your order for a psychiatric evaluation of Thomas Creech, regarding his capacity to understand further proceedings in his case. He was interviewed by me for a little over thirty minutes in the Ada County Jail on 4 February 1976, the report of which follows.

This 25-year-old man stated that he is scheduled on 5 March to be sentenced for the two murders which he was convicted of having committed in November 1974. He expects to be sentenced to be hung to death.

[redacted]

During the interview, [redacted]

In my opinion, Thomas Creech is not mentally ill, and I would not apply any psychiatric diagnostic label to him. It does not appear that his mental condition has changed in recent months. He clearly understands his legal situation and the nature of expected further proceedings. Most of the medical symptoms of which he complains ([redacted] are probably caused by a combination of his situation and his medication, and do not in my opinion indicate mental illness. He impresses me as a person who knows what he is doing, whose acts reflect his own choices.

Yours sincerely,

Karl E. Humiston

Karl E. Humiston, M.D.

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.

Dated: _____

_____ Clerk

MICHAEL E. ESTESS, M.D.
PSYCHIATRY
DIPLOMATE OF THE AMERICAN BOARD OF PSYCHIATRY AND NEUROLOGY

1471 SHORELINE DRIVE
SUITE 119
BOISE, IDAHO 83706

AREA CODE 208
TELEPHONE 376-8471

[redacted]

FILED
A.M. ..... P.M. .....
MAR 3 1976
[redacted]
Mary A. Hill
Clerk

March 2, 1976

Honorable J. Ray Durtschi
District Judge
4th Judicial District
Ada County Courthouse
Boise, Idaho 83720

Re: Thomas Eugene Creech

Dear Judge Durtschi:

I am writing to you in regards to Thomas Creech, whom I recently again saw for evaluation as per your request by court order.

You are aware, based upon previous communication I have had with you through evaluations that I have provided on Mr. Creech, I am quite familiar with his background and early development and his recent difficulties of a legal nature. It is my understanding that he is now requesting further psychiatric evaluation, prior to the hearing when he will be sentenced, after having been found guilty of first degree murder.

I have seen and evaluated Mr. Creech on two separate occasions. Both of these evaluations were conducted in the Ada County Jail. I saw Mr. Creech on January 29, 1976 and again on February 17, 1976. [redacted]

In addition to personally interviewing Mr. Creech, [redacted]

Based upon these evaluations, I am of the opinion that Mr. Creech is not suffering from any serious psychopathology at the present time. [redacted] I would specifically be of the opinion that he is entirely capable of confiring with his attorney and understanding the proceedings which he is going to have to be involved in as it revolves around his sentencing.

[redacted]

However, I do not think that this necessarily interfers with his capacity to function psychologically, and in point of fact, it may be contributing to his appearing somewhat more mellow and subdued. [redacted]

If I can be of any further service in regards to this matter, please do not hesitate to call.

Kindest regards,

M. E. Estess M.D.

MICHAEL E. ESTESS, M.D.

MEE:sg

[redacted] PLED
[redacted] A.D.
MAR 5 1976
[redacted] DEPUTY

Court Brief [redacted] 3-5-76
In [redacted]

I. A. That I Thomas C Couch, the said defendant in this case, was granted a new psychiatric evaluation by Judge Dunckel, on 2-16-76.

B. I feel that I was not given a fair evaluation by either doctor that the Court ordered.

II. My reason for this belief is based upon the length of time spent with me by the 2 doctors.

A. Dr. Estes - I saw - 2 times for appox 15 minutes each time. The conditions of our visit were so, that I could not express my feelings whatsoever at.

B. Dr. Hamilton - visited me only once for approx 15 minutes or less.

III. I feel that both Doctors are ~~[redacted]~~ prejudice against me, from this actions.

IV. I also must before the court, for a new trial. And I also ask to represent my self with Mr. Peterson as my Advisor on legal points.

A. My reason for a new trial is I can give my evidence. I have two witness who will testify to the effect of I was not present at the killing of the 2 women

Part I.

2-27-76

I don't now seem to the first week before, I will be sentenced to death. In the past months that I have been in jail, I've had a lot of time to think about things. It has been the most trying experience of my entire life. The misery of the thought of being put to death is almost overwhelming. God knows that I've had enough, but now I find myself wondering what it will be like after I am executed.

To be executed to death, shut locked away in a small cell, to await a decision is fully inhuman. Locked away from everything and all the humans, will be more than death itself. For me all need human compassion and someone to talk to. But I guess for a person condemned to die it just doesn't matter to anyone. So to my death cell, I will be taken locked away and forgotten, until the day comes that I die, or else I get my sentence commuted to life.

But the inhuman and cruel punishment to my mind, may not ever come into justice, but all that I can foresee ahead is a constant struggle that will be in my mind every day.

(over - next page)

I've also had the chance to meet many people, since I've been in jail. All of which talk about brotherhood, but don't know the first thing about it. They are few that I can consider my brothers and friends but, they are very few.

For an example, you take a friend of mine named Geo. Wallace. He is one of the very few people that truly understands, the mental suffering I am now going through. But Lord, sir. like any other person I know is truly a brother, and does believe and stand for brotherhood. Yet like so many others. Geo. never promised me anything. He only asked his friendship and that God strength for me.

Others have told me all kinds of things they would do for me, and how they really understood what was happening.

But when big. they didn't have the nerve to come at me and express to them. So I've almost given up hope on people. So many people use them to gain personal satisfaction and achievement. What they are trying to accomplish I really don't understand. Since I believe anyone has to use them to gain, at times. Like me, I've committed a far more crime, than anything I have ever done.

March, 5, 1976

TO WHOM IT MAY CONCERN:

I guess this will be my last chance to say anything in open court, before sentencing. All I can say is - I'm glad this mess is almost over cause I'm tired. Now all that is left to do is pray, as what this court feels is justice - is done.

I hold no grudge against anyone, that's been connected to my trial. I only hope and pray that in time everyone can find I am innocent of the two murders. I don't deny the charge but this time I say I didn't do.

So I guess I will do and a pillow will go. As it is the end - all be, because justice for me - will not be again. [redacted]

I'm ready to Dance now, because this is nothing else left and I'm tired! /s/ Thos E. Couch Jr

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

NO. _____

FILED

A.M. _____ P.M. 4:30 pm

MAR 8 1976

[redacted]

BY Mary A. Hill DEPUTY

The State of Idaho

Plaintiff

-vs-

Thomas Eugene Creech

Defendant

CERTIFICATE OF MAILING NOTICE PURSUANT TO RULE 77 (d), and 55 (b) (1) I.R.C.P.

I, Mary A. Hill, the undersigned authority, do hereby certify that I have mailed, by United States mail, one copy of the

Psychiatric Evaluation Report

as notice pursuant to Rule 77 (d) and 55 (b) (1) I. R.C.P. to each of the attorneys of record in this cause in envelopes addressed as follows:

Bruce O. Robinson
Attorney at Law
Box 8
Nampa, Idaho 83651

Hand delivered

Ms Victoria White
Clerk of the District Court
P. O. Box 759
Wallace, Idaho 83873

Robert H. Remaklus
Prosecuting Attorney
Valley County
Cascade, Idaho 83611

Hand delivered

Lynn Thomas
Deputy Attorney General
State House
Boise, Idaho 83720

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 3/4/76
Mary A Hill Clerk

J.W. Crabtree
[redacted]
Clerk of the District Court
Valley County, Idaho

By Mary A Hill
Deputy Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

FILED
A.M. ____ P.M. ____
MAR 5 1976
[redacted] CLERK
By mary a Hill

The State of Idaho
Plaintiff

-vs-

Thomas Eugene Creech
Defendant

CERTIFICATE OF MAILING SERVICE
PURSUANT TO RULE 77 (d), and 55
(b) (1) I.R.C.P.

I, Mary A. Hill, the undersigned authority, do hereby certify that I have mailed, by United States mail, one copy of the

Hand Written request from Defendant

as notice pursuant to Rule 77 (d) and 55 (b) (1) I. R.C.P. to each of the attorneys of record in this cause in envelopes addressed as follows:

Bruce O. Robinson
Attorney at Law
P. O. Box 8
Nampa, Idaho 83651
hand delivered

Robert H. Remaklus
Prosecuting Attorney
Valley County
Cascade, Idaho 83611
hand delivered

Ms. Victoria White
Clerk of the District Court
P. O. Box 759
Wallace, Idaho 83873

Lynn Thomas
Deputy Attorney General
State House
Boise, Idaho 83720

J.W. Carlson [redacted]
Clerk of the District Court
Valley [redacted] County, Idaho

By mary a Hill
Deputy Clerk

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/4/76
mary a Hill Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF XXX VALLEY

HON. J. RAY DURTSCHI _____ Term 19
District Judge

March 5, 1976
Date

COURT MINUTES

The State of Idaho)
)
Plaintiff -)
vs) No. CR VC 2165
)
Thomas Eugene Creech)

Defendant -

MURDER

Appearances:

Robert Remaklus, Prosecuting Attorney — Counsel for State

Bruce O. Robinson — Counsel for Defendant

Defendant present and appearing in custody of the Ada County Sheriff.

3:30 p.m., Time scheduled for hearing on evaluation reports.

Court and Counsel acknowledged receipt of reports.

No statement by Counsel for State as to contesting contents of reports.

Statement by Counsel for Defendant and would not contest findings of reports and Counsel informed Court of hand written request from the Defendant contesting report.

3:40 Court in recess for Counsel to review hand written report.

3:57 p.m., Court reconvened. All present.

Statement by Counsel for State.

Statement by Counsel for Defendant.

Court continued this matter to 9:00 a m., March 25, 1976 for examination of Doctors.
Counsel to procure witnesses.

Counsel for Defendant renewed his motion to be court appointed counsel. Court denied motion.

4:05 p.m., Court in recess.

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/17/76
Mary A Hill Clerk

Reporter: John Gambee Approved by:

Clerk: marva

Dated: March 5, 1976

J. Ray Durtschi
District Judge

A 50 — SUBPOENA — CRIMINAL

IN THE DISTRICT COURT

OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,

IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO, Plaintiff

vs.

THOMAS EUGENE CREECH, Defendant

CR. # V.C. 2165

Subpoena-Criminal

FILED

MAR 11 1976

THE STATE OF IDAHO

To KARL E. HUMISTON, M.D., [redacted]

YOU ARE COMMANDED To appear before the District Court of the Fourth Judicial District, in and for the County of Ada, at the court room in the Court House, in Boise in said County, on the 25th day of March, 19 76, at 9:00 o'clock A. M., as a witness in a criminal action prosecuted by the State of Idaho, against THOMAS EUGENE CREECH

Given under my hand this 9th day of March, 1976.

J. W. Doolaher
Clerk

By Mary A Lee
Deputy

STATE OF IDAHO, }
County of Canyon } ss.

I HEREBY CERTIFY That I served the within Subpoena on the 9th day of March, 1976, on DR. KARL E. HUMISTON, being the witness named in said Subpoena, at the County of Ada, by showing the original to the receptionist at the office of said witness personally, and informing her of the contents thereof.

Dated March 9, 19 76.

Fees ..... $

Service ..... $

Mileage ..... $

AFFIDAVIT OF SERVICE

STATE OF IDAHO)
) ss.
County of Canyon)

GARY H. LEW, after being first duly sworn, deposes and says:

That he is, and was on the day when he served the annexed papers, a male citizen of the United States, over the age of twenty-one (21) years, and is not a party to the above-entitled action; that he received the annexed SUBPOENA in said action on the 9th day of March, 1976 and personally served the same upon DR. KARL E. HUMISTON on the 9th day of March, 1976, by delivering to the said receptionist at the medical office of Dr. Karl E. Humiston, personally, in the County of Ada, a copy of said SUBPOENA

and affiant further says that he knows the person so served to be the person named in said Subpoena action.

Gary H. Lew

SUBSCRIBED and SWORN to before me this 9th day of March, 1976.

Sandra D. Thomason
Notary Public for Idaho
Residence: Nampa, Idaho

(SEAL)

ROBINSON & JONES, P.A. - ATTORNEYS AT LAW - P.O. BOX 8 - NAMPA, IDAHO 83651

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 4/14/76
Mary A. Hill Clerk

A-50 — SUBPOENA — CRIMINAL

IN THE DISTRICT COURT

OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,

IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO, Plaintiff

vs.

THOMAS EUGENE CREECH, Defendant

CR. #V.C. 2165

Subpoena-Criminal

FILED

MAR 11 1976

[redacted]

mary a hill
DEPUTY

THE STATE OF IDAHO

To MICHAEL E. ESTESS, M. D., [redacted]

YOU ARE COMMANDED To appear before the District Court of the Fourth Judicial District, in and for the County of Ada, at the court room in the Court House, in Boise in said County, on the 25th day of March, 1976, at 9.00 o'clock A. M., as a witness in a criminal action prosecuted by the State of Idaho, against THOMAS EUGENE CREECH

Given under my hand this 9th day of March, 1976.

J. W. Crutcher
Clerk

By mary a hill
Deputy

STATE OF IDAHO,
County of Canyon } ss.

I HEREBY CERTIFY That I served the within Subpoena on the 9th day of March, 1976, on DR. MICHAEL E. ESTESS being the witness named in said Subpoena, at the County of Ada, by showing the original to the receptionist at the medical office of said witness personally, and informing her of the contents thereof.

Dated March 9, 1976.

Fees.....$

Service.....$

Mileage.....$

AFFIDAVIT OF SERVICE

STATE OF IDAHO)
) ss.
County of Canyon)

GARY H. LEW, after being first duly sworn, deposes and says:

That he is, and wa on the day when he served the annexed papers, a male citizen of the United States, over the age of twenty-one (21) years, and is not a party to the above-entitled action; that he received the annexed SUBPOENA in said action on the 9th day of March, 1976, and personally served the same upon DR. MICHAEL E. ESTESS on the 9th day of March, 1976, by delivering to the said the receptionist at the medical office of Dr. Michael E. Estess, personally, in the County of Ada, a copy of said SUBPOENA

and affiant further says that he knows the person so served to be the person named in said ~~action~~ Subpoena.

Gary H. Lew

SUBSCRIBED and SWORN to before me this 9th day of March, 1976

Sandra D. Thompson
Notary Public for Idaho
Residence: Nampa, Idaho

(SEAL)

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of the original on file of record in this court.
Dated 5/14/76
Mary A. Lee Clerk

ROBINSON & JONES, P.A. - ATTORNEYS AT LAW - P.O. BOX 8 - NAMPA, IDAHO 83651

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN ~~AND FOR~~ THE COUNTY OF ADA
FOR THE COUNTY OF VALLEY

HON. J. RAY DURTSCHI _____ Term 1976

DISTRICT JUDGE

March 25, 1976

Date

COURT MINUTES

THE STATE OF IDAHO,
Plaintiff -

No. V.C. 2165

THOMAS EUGENE CREECH,

Defendant -

Appearances:

Robert H. Remaklus
Prosecuting Attorney — Counsel for State

Lynn Thomas
Deputy Attorney General

Bruce O. Robinson — Counsel for Defendant

Defendant appearing in custody of the Sheriff of Ada County for the purpose of hearing testimony as to evaluation of Defendant by Drs. Michael E. Estess and Karl E. Humiston.

9:10 A.M. Court convened. Counsel and Defendant present as set out above.

Karl E. Humiston called by Defendant, sworn and testified.
Witness excused.

Michael E. Estess called by Defendant, sworn and testified.
Witness excused.

9:50fA.M. Court in recess.

9:55 A.M. Court reconvened. All Counsel and Defendant present as above.

Nothing further by way of argument.

Tape G-65 - 1097

The Court finds the Defendant does have the capacity to understand the proceedings and to assist his Counsel in his defense.

The Court directed the Prosecuting Attorney to prepare Findings of Fact and Conclusions of Law and Order.

In re Defendant's pro se Motion for New Trial: Statement by Mr. Robinson.

No statement by Defendant.

Continued on page 2

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/4/76
Mary A Lee Clerk

The Court denied Defendant's Motion for New Trial.

Nothing further from Counsel or Defendant prior to pronouncement of sentence.

The Court reviewed the case.

In response to Court, Defendant offered no legal cause why Judgment should not be pronounced.

The Court advised the Defendant of his right to make a statement prior to sentencing.

The Court finds the Defendant is guilty of Murder in the First Degree, Count I and of Murder in the First Degree, Count II as charged in the Information and sentenced him to death as provided by statute on May 21, 1976.

Defendant remanded to the custody of the Sheriff for delivery by him to the custody of the State of Idaho Board of Correction.

10:11 A.M. Court in recess.

Tape ending 1132.

STATE OF IDAHO, County of Valley: ss.
I hereby [illegible] is a true copy of the original [illegible] of record in this court.
Dated: 5/24/76
Mary A Hill Clerk
District Judge

Reporter: John Gambee
Clerk: BFC
Date: March 25, 1976

FILED

A.M. ..... P.M. .....

MAR 25 1976

..... CLERK

BY mary a Sell DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO, Plaintiff, v. THOMAS EUGENE CREECH, Defendant.	Case No. 2165 FINDINGS AND ORDER RELATING TO DEFENDANT'S ABILITY TO UNDERSTAND FURTHER PROCEEDINGS AGAINST HIM

The Defendant, Thomas Eugene Creech, heretofore filed a motion for a psychi tric examination and evaluation to determine his capacity to understand further proceedings against him and on the 20th day of January, 1976, this Court ordered that such examination be conducted. Dr. Karl Humiston and Dr. Michael Estess, psychiatrists, were appointed by the Court to conduct such examinations and report to the Court concerning the nature of the examination, a diagnosis of the present mental condition of the Defendant including any change since October 21, 1975, and to give an opinion as to the capacity of the Defendant to understand further proceedings pending in this matter.

The said medical experts filed their reports with the Court and on the 25th day of March, 1976, a hearing was held in open court at which time the Defendant, by counsel, was given an opportunity to examine the said Dr. Michael Estess and the said Dr. Karl Humiston.

The said psychiatrists having been examined in open court, and the Court having considered their written reports together with the testimony taken at the hearing of March 25, 1976, the Court finds as follows:

1. That the aforesaid psychiatric experts examined

the Defendant, Thomas Eugene Creech, and formed expert opinions relating to the Defendant's present mental condition and his capacity to understand the proceedings against him.

2. Both psychiatrists interviewed the Defendant personally at such length as satisfied them that they had the basis for a sound medical opinion as to the Defendant's mental condition.

3. That the Defendant does not presently suffer from any mental disease or defect.

4. That the Defendant has the capacity to understand further proceedings pending in this matter and to assist his counsel in representing the Defendant.

5. There is no impediment to imposing sentence upon the Defendant arising out of his mental condition.

It is therefore ORDERED that the proceedings against the Defendant go forth in due and regular course and that judgment, sentence and execution of sentence be imposed upon the Defendant.

DATED This 25th day of March, 1976.

J. Ray Durtschi
District Judge

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/4/76
Mary A Hill Clerk

NO. _____

FILED

A M _____ P M _____

MAR 25 1976

_____ CLERK

BY mary a Sill DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO, Plaintiff, v. THOMAS EUGENE CREECH, Defendant.	CASE NO. 2165 ORDER DENYING NEW TRIAL

The Defendant, Thomas Eugene Creech, having filed on the 5th day of March, 1976, a motion pro se, for a new trial, the Court considered the motion in open court on the 24th day of March, 1976. The Defendant was present in person and by counsel, Bruce O. Robinson, and the State was represented by Robert H. Remaklus, Prosecuting Attorney of Valley County and Lynn E. Thomas, Deputy Attorney General of the State of Idaho.

The Court concluded that the Defendant's motion for a new trial should be denied without prejudice for the reason that the Defendant did not set forth sufficient grounds for a new trial in his motion, no specific showing having been made of the existence of any ground which would afford a basis for new trial. Moreover, the Defendant has heretofore filed notices of appeal relating to this case and would not be entitled to an order for new trial until the disposition of such appeals.

It is therefore ORDERED that the Defendant's motion for new trial be denied.

DATED This 25th day of March, 1976.

J. Ray Durtschi
District Judge

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of this original on file and of record in this court.
Dated 3-25-76
mary a Sill Clerk

July 10, 1975, for change of venue to Shoshone County and the entry of an Order therefore on the 14th day of July, 1975; of the hearing on August 14, 1975, pursuant to Stipulation, whereat the trial was set for October 6, 1975 in Shoshone County, Idaho; that such trial commenced October 6, 1975, and that on October 22, 1975, a verdict of guilty to two counts of murder in the first degree was returned; the Defendant was advised that every person found guilty of murder in the first degree shall suffer death.

The Defendant was then asked if he had any statement to make before sentence was pronounced to which he replied that he had none. The Defendant was then asked if he had any legal cause to show why judgment should not be pronounced against him to which he replied that he had none. Thereupon the Court renders its judgment: That whereas the said Defendant, Thomas Eugene Creech, having been duly convicted in this Court of the crime of two counts of murder in the first degree,

It is therefore ordered, adjudged and decreed that the said Defendant, Thomas Eugene Creech, is guilty of the crime of murder in the first degree upon two counts and as punishment therefore he shall upon each count suffer death in the manner provided by the statutes of the State of Idaho on the 21st day of May, 1976.

The Defendant was then remanded to the custody of the Sheriff of the County of Ada, State of Idaho, to be delivered by him into the custody of the Director of the State Board of Corrections, State of Idaho, for execution of such sentence.

DATED This 25th day of March, 1976.

y Dumbschi
Dis ct Judge

July 10, 1975, for change of venue to Shoshone County and the entry of an Order therefore on the 14th day of July, 1975; of the hearing on August 14, 1975, pursuant to Stipulation, whereat the trial was set for October 6, 1975 in Shoshone County, Idaho; that such trial commenced October 6, 1975, and that on October 22, 1975, a verdict of guilty to two counts of murder in the first degree was returned; the Defendant was advised that every person found guilty of murder in the first degree shall suffer death.

The Defendant was then asked if he had any statement to make before sentence was pronounced to which he replied that he had none. The Defendant was then asked if he had any legal cause to show why judgment should not be pronounced against him to which he replied that he had none. Thereupon the Court renders its judgment: That whereas the said Defendant, Thomas Eugene Creech, having been duly convicted in this Court of the crime of two counts of murder in the first degree,

It is therefore ordered, adjudged and decreed that the said Defendant, Thomas Eugene Creech, is guilty of the crime of murder in the first degree upon two counts and as punishment therefore he shall upon each count suffer death in the manner provided by the statutes of the State of Idaho on the 21st day of May, 1976.

The Defendant was then remanded to the custody of the Sheriff of the County of Ada, State of Idaho, to be delivered by him into the custody of the Director of the State Board of Corrections, State of Idaho, for execution of such sentence.

DATED This 25th day of March, 1976.

y Dumbschi
Dis ct Judge

FILED

A.M. ..... P.M. .....

MAR 25 1976

Clerk

By mary a Hill DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO, Plaintiff, v. THOMAS EUGENE CREECH, Defendant.	Case No. 2165 JUDGMENT OF CONVICTION

The Prosecuting Attorney with the Defendant, Thomas Eugene Creech, and his counsel, Bruce Robinson, came into Court in Boise, Ada County, Idaho, on the 25th day of March, 1976.

The Defendant was duly informed by the Court as follows:

The Defendant was advised of the nature of the information filed against him for the crime of murder in the first degree on two counts committed on or about the 4th day of November, 1974; of his arraignment on December 4, 1974 and of the continuation thereof until January 8, 1975, for the entry of this plea; of his appearance with the Public Defender of Valley County, Idaho, as his attorney on the said 8th day of January, 1975, and his entry of a plea of "not guilty to two counts of murder in the first degree"; of the commencement of his trial at Cascade, Valley County, Idaho, on the 20th day of May, 1975, and of his Motion for Change of Venue on the 21st day of May, 1975, and of the Order of this Court made May 22, 1975, granting such Motion for Change of Venue; of the Order entered June 18, 1975, pursuant to hearing on June 4, 1975, granting his Motion for Change of Attorney and of his selection of Bruce Robinson as his attorney herein; of the hearing on

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file of record in this court.
Dated: 5/14/76
mary a Hill Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ~~XXX~~ VALLEY

NO. _____
FILED
A.M. _____ P.M. _____
MAR 25 1976
J. W. Ornbaun
CLERK
BY Mary A Hill
DEPUTY

The State of Idaho
Plaintiff

-vs-

Thomas Eugene Creech
Defendant

CERTIFICATE OF MAILING NOTICE PURSUANT TO RULE 77 (d) and 55 (b) (1) I.R.C.P.

I, Mary A. Hill, the undersigned authority, do hereby certify that I have mailed, by United States mail, one copy of the FINDINGS AND ORDER RELATING T DEF'S ABILITY TO UNDERSTAND FURTHER PROCEEDINGS AGAINST HIM, ORDER DENYING NEW TRIAL, JUDGMENT OF CONVICTION

as notice pursuant to Rule 77 (d) and 55 (b) (1) I. R.C.P. to each of the attorneys of record in this cause in envelopes addressed as follows:

Bruce O. Robinson
Attonrey at Law
P. O. Box 8
Nampa, Idaho 83651

Robert H. Remaklus
Prosecuting Attorney
Valley County
Cascade, Idaho 83611

MsVictoria White
Clerk of the District Court
P. O. Box 759
Wallace, Idaho 83873

Lynn Thomas
Deputy Attorney General
State House
Boise, Idaho 83720

J. W. Ornbaun
Clerk of the District Court
Valley County, Idaho

By Mary A Hill
Deputy Clerk

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 3/25/76
Mary A Hill Clerk

ROBINSON & JONES, P.A.
Attorneys at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED
____ P.M.
APR 1 1976
J. W. Crutcher CLERK
By mary a Hill DEPUTY

IN THE DISTICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * * * *

STATE OF IDAHO, Plaintiff, -vs- THOMAS EUGENE CREECH, Defendant.	Case No. 2165 NOTICE OF APPEAL

TO: The Clerk of the above-captioned Court; the Plaintiff, STATE OF IDAHO, and its counsel of record, LYNN A. THOMAS, Deputy Attorney General, State of Idaho, and ROBERT H. REMAKLUS, Prosecuting Attorney for Valley County, State of Idaho.

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the Defendant, THOMAS EUGENE CREECH, does hereby appeal to the Supreme Court of the State of Idaho, from that certain Judgment made and entered in the above-entitled court and cause on or about the 25th day of March, 1976.

This appeal is taken from the whole of said Judgment and is taken on questions of both fact and law.

DATED this 29th day of March, 1976.

ROBINSON & JONES, P. A.

By /s/ BRUCE C. ROBINSON
Counsel for Defendant

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/01/76
mary a Hill Clerk

ROBINSON & JONES, P.A. - ATTORNEYS AT LAW - P.O. BOX 8 - NAMPA, IDAHO 83651

ROBINSON & JONES, P.A.
Attorneys at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED
P.M.
APR 1 1976
J. W. Crutcher CLERK
BY mary a Sill DEPUTY

IN THE DISTICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * * * *

STATE OF IDAHO, Plaintiff, -vs- THOMAS EUGENE CREECH, Defendant.	Case No. 2165 APPLICATION FOR REPORTER'S TRANSCRIPT

TO: THE CLERK OF THE ABOVE-ENTITLED COURT:

COMES NOW the Defendant in the above-entitled action and respectfully represents to the Court that he has appealed to the Supreme Court of the State of Idaho from the Judgment made and entered in the above-entitled Court and cause on or about the 25th day of March, 1976, and for the purpose of said appeal hereby applies to the Court for an Order directing the court reporter reporting the trial of said cause to have prepared a transcript of the record of the evidence and all proceedings had on said trial.

DATED this 29th day of March, 1976.

ROBINSON & JONES, P. A.

By: _____
BRUCE O. ROBINSON
Counsel for Defendant

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated 5/4/76
mary a Sill Clerk

ROBINSON & JONES, P.A. - ATTORNEYS AT LAW - P.O. BOX 8 - NAMPA, IDAHO 83651

ROBINSON & JONES, P.A.
Attorneys at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED

APR 1 1976

By mary a Hill
DEPUTY

IN THE DISTICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * * * *

STATE OF IDAHO,

Plaintiff,

-vs-

THOMAS EUGENE CREECH,

Defendant.

Case No. 2165

P R A E C I P E

TO: THE CLERK OF THE ABOVE-ENTITLED COURT:

The Defendant, above named, having appealed to the Supreme Court of the State of Idaho from that certain Judgment made and entered in the above-entitled court and cause on or about the 25th day of March, 1976, hereby requests that you prepare a transcript for use on said appeal consisting of the Judgment Roll and all papers constituting the same and including the following:

1. All pleadings and files in the above-entitled action, all minutes of the court, the transcript of the entire record from the date of the Defendant's first arraignment on November 9, 1974, up to and including the court appearance for sentencing on March 25, 1976, and any and all other pleadings on file in said action.

2. All exhibits admitted, and all exhibits offered but not admitted in the trial of this action.

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated 5/11/76
mary a Hill Clerk

1- PRAECIPE

ROBINSON & JONES, P.A. - ATTORNEYS AT LAW - P.O. BOX 8 - NAMPA, IDAHO 83651

3. The Judgment made and entered herein on or about the 25th day of March, 1976.

4. Notice of Appeal.

5. This Praecipe, and Order for Transcript of Proceedings.

Dated this 29th day of March, 1976.

ROBINSON & JONES, P. A.

By: _____
BRUCE O. ROBINSON
Counsel for Defendant

ROBINSON & JONES, P.A. - ATTORNEYS AT LAW - P.O. BOX 8 - NAMPA, IDAHO 83651

ROBINSON & JONES, P.A.
Attorneys at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED
A.M. ..... P.M.
APR 1 1976
J. W. Crutcher CLERK
BY Mary A Hill
DEPUTY

IN THE DISTICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * * * *

STATE OF IDAHO,
Plaintiff,
-vs-
THOMAS EUGENE CREECH,
Defendant.

Case No. 2165

CERTIFICATE OF MAILING

I hereby certify that I mailed true and correct copies of the following documents to LYNN A. THOMAS, Deputy Attorney General for the State of Idaho, and ROBERT H. PEVAKLUS, Prosecuting Attorney for Valley County, at Cascade, Idaho, Counsel for Plaintiff, this 29th day of March, 1976, by registered mail, with postage prepaid thereon:

Notice of Appeal
Application for Reporter's Transcript
Order for Reporter's Transcript
Praecipe

Dated this 29th day of March, 1976.

ROBINSON & JONES, P. A.

By: BRUCE O. ROBINSON

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Date 5/14/76
Mary A Hill Clerk

ROBINSON & JONES, P.A. - ATTORNEYS AT LAW - P.O. BOX 8 - NAMPA, IDAHO 83651

ROBINSON & JONES, P.A.
Attorneys at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED
A.M. _____ P.M. _____
APR 1 1976
I.W. Crabtree Clerk
By mary a Lee Deputy

IN THE DISTICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * * * *

STATE OF IDAHO,
Plaintiff,
-vs-
THOMAS EUGENE CREECH,
Defendant.

Case No. 2165

MOTION FOR STAY OF EXECUTION

COMES NOW the Defendant, THOMAS EUGENE CREECH, by and through his counsel of record, BRUCE O. ROBINSON, Esq., of the law firm of ROBINSON & JONES, P. A., Nampa, Idaho, and hereby moves the court for an order staying the execution of the judgment entered on the 25th day of March, 1976, pending appeal of the same.

Said motion is rade and based on the Notice of Appeal filed concurrently herewith, and the pleadings, records and papers on file herein.

Dated this 29th day of March, 1976.

ROBINSON & JONES, P. A.

By: BRUCE O. ROBINSON
Counsel for Defendant

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Date 4/1/76
mary a Lee Clerk

MOTION FOR STAY OF EXECUTION

ROBINSON & JONES, P.A. - ATTORNEYS AT LAW - P.O. BOX 8 - NAMPA, IDAHO 83651

ROBINSON & JONES, P.A.
Attorneys at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED
APR 5 1976
J. W. Crabtree Clerk
By Mary A. Hall Deputy

IN THE DISTICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * * * *

STATE OF IDAHO,
Plaintiff,
-vs-
THOMAS EUGENE CREECH,
Defendant.

Case No. 2165

ORDER FOR REPORTER'S TRANSCRIPT

The Defendant in the above-entitled action having made application in proper form for an Order for Reporter's Transcript of the evidence and proceedings had upon trial in the above-entitled action, and good cause appearing therefor;

IT IS HEREBY ORDERED that the court reporter in the above-entitled cause on or before ~~Ninety~~ Twenty (~~60~~) days from date hereof prepare and lodge in the manner required by law and the rules of the Supreme Court of the State of Idaho a transcript of the testimony and proceedings had in the above-entitled court and cause upon the trial thereof.

DATED this 5th day of April, 1976.

J. [illegible]
DISTRICT JUDGE

STATE OF IDAHO, County of Valley: ss.
I, [illegible], do hereby certify that the foregoing is a true copy of the original of record in this court.
5/14/76
Mary A. Hall Clerk

ROBINSON & JONES, P.A. - ATTORNEYS AT LAW - P.O. BOX 8 - NAMPA, IDAHO 83651

ROBINSON & JONES, P.A.
Attorneys at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED
APR 5 1976
J. W. Crutcher CLERK
BY mary a. hill DEPUTY

IN THE DISTICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * * * *

STATE OF IDAHO,
Plaintiff,
-vs-
THOMAS EUGENE CREECH,
Defendant.

Case No. 2165

ORDER STAYING EXECUTION

A Motion for an order staying execution of the judgment heretofore entered in the above-entitled action having been made by the Defendant, and the court being fully advised in the premises, and good cause appearing therefor;

IT IS HEREBY ORDERED and this does hereby ORDER that said motion be, and the same is hereby, granted, and that the execution of the judgment entered on the 25th day of March, 1976, be, and the same is hereby, stayed until further order of this court.

Dated this 5th day of April, 1976.

DISTRICT JUDGE

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original of record in this court.
Date 5/11/76
mary a. hill Clerk

ROBINSON & JONES, P.A. - ATTORNEYS AT LAW - P.O. BOX 8 - NAMPA, IDAHO 83651

ROBERT H. REMAKLUS
P. O. Box 759
Cascade, Idaho 83611
Telephone (208) 382-4270

PROSECUTING ATTORNEY
VALLEY COUNTY, IDAHO

NO. _____
FILED
A.M. _____ P.M. _____
APR 6 1976
J. W. Crutcher Clerk
By Mary A. Lee DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant.	Criminal No. 2165 RECEIPT FOR EXHIBITS

The undersigned JOHN W. GAMBEE, official court reporter for the Honorable J. Ray Durtschi, one of the Judges of the above entitled Court, and the reporter who reported all of the proceedings in the above entitled matter, does hereby specifically acknowledge receipt from Derold E. Lynskey, Sheriff of Valley County, Idaho, of all of the exhibits, whether introduced into evidence or not, described in the list of State's Exhibits and described in the list of Defendant's Exhibits, attached hereto and by reference made a part hereof as if fully setforth at length herein.

Dated this 6TH day of April, 1976.

JOHN W. GAMBEE
Official District Court Reporter
Ada County Courthouse
Boise, Idaho

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/4/76
Mary A. Lee Clerk

State's Exhibit 49 (2 photographs) admitted

State's Exhibit attached to State's trial brief dated April 28, 1975 — Dyke Statement - Tape 49A - audio portion only

State's Exhibit 50 admitted

State's Exhibit 51 Blood sample admitted

" Exhibit 52 Blood Sample admitted

A. Bradley 53 ~~Photograph~~ blood sample "

53A blood sample "

54 " " "

54A " " "

55 Miranda warning - Crouch "

56 Confession Crouch (worded) admitted

Same as Ex 52 Trans 57 Miranda warning - Tom Turner admitted

58 Freeman inventory ?? ~~admitted~~

59 Miranda warning ~~admitted~~ not

Home Ex admitted

60 FBI letter & Miranda dated Dec 3, 1974

61 Letter from T. Crouch received from on June 9, 1975 by Sheriff Palmer - not individually marked admitted

62 Envelope for ~~the~~ above letter above (#61) admitted

63 Tape of voluntary statement not subject to motion to exclude admitted

64 Recording - Tape of Stage admitted

65 Handwritten statement of Crouch admitted

66 Photo of Tom Paige

67 Letter to Lynne Plowman admitted

68 Poem about phone crouch admitted

69 Letter from Crouch to Mike admitted

~~70~~ Dr. Eden report (not to go to jury) admitted

(Attached to file)

EXHIBIT LIST IN CASE NO. V.C. 2165

The State of Idaho — Trial Date May 20, 1975

Plaintiff(s)

vs

Thomas Creech

Defendant(s)

BY	NO.	DESCRIPTION	STATUS
State	1 A	death scene - Bradford	admitted
"	1 B	"	admitted
"	1 C	"	admitted
"	1 D	"	not admitted
"	1 E	death scene - bradford	admitted
"	1 F	death scene - arnold	not admitted
"	1 G	"	admitted
"	1 H	"	—
"	1 I	"	—
"	1 J	death scene - arnold	admitted
"	1 K	death scene - general	—
"	1 L	"	admitted
"	1 M	"	admitted
"	1 N	"	—
"	1 O	"	—
"	1 P	"	—
"	1 Q	"	—
"	2 A	photo - death scene miller	—
"	2 B	photo - bradford	—
"	2 C	photo arnold	—
"	3	[illegible]	admitted
"	3 A	[illegible]	admitted
"	4	sleeping bag	admitted
"	5	shell	admitted
"	6	asphalt arnold	admitted

EXHIBIT LIST IN CASE NO. V.C. 2165

The State of Idaho — Trial Date May 20, 197

Plaintiff(s)

vs

Thomas Creech

Defendant(s)

BY	NO.	DESCRIPTION	STATUS
[illegible]	7	Dome Lite fragments [illegible]	[illegible]
"	7	[illegible] fragments	
	8	[illegible] "	
"	10	Slug Hilt Cont. Saw - Recd	Id Adm
"	11	Slug Found in Trailer - Bradford	Adm
"	12	Slug Nestri - Bradford	Adm
"	13	Slug Night Chief - Bradford	Adm
	14	Telegram 11-5-74	
	15	Telegram 11-5-74	
	16	Telegram 11-7-74	
"	17	Synopsis - 12-29-73 Ada Co. 47515	Denied
"	18	Mug shots owned Bybee	Denied
"	19	Telegram 11-7-74	Denied
	20	[illegible]	
	21	[illegible]	
"	22	Pistol	Adm
"	23	Pistol	Adm
"	24	Sound cut - speaking	Adm
"	25	Shell box - shotgun	Adm
"	25A	Shell - eagle gun	Adm
"	26	Shell 22 short	Adm
"	27	Spectacles found in car	Adm
"	28	Lamp - to [illegible] from wagon	Adm
"	28A	Photo - Bybee	Adm
"	28B	Blood - on the [illegible]	"
"	28-C	Blood - on the [illegible]	"
"	28-D	Blood - [illegible]	"

EXHIBIT LIST IN CASE NO. V.C. 2165

The State of Idaho — Trial Date May 20, 19

Plaintiff(s)

vs

Thomas Creech

Defendant(s)

BY	NO.	DESCRIPTION	STATUS
State	28-E	Blood stained wheel & Column	Admitted
	28-F	Blood - Right rear passenger side	"
"	28-G	Glass - Car window	Admitted
"	29-A	Car interior - Driver side & Rear &	Admitted
"	29-B	Car interior - Dashboard	"
"	29-C	Broken Beer bottle	"
"	29-D	Blood stained wheel & Glass	"
"	29-E	Rear car bumper	"
"	30	Car exterior	Admitted
		Car - Blue car	Admitted
	32	Exterior - Dashboard	
	33	Frame - Front seat	
	34	Interior - Right seat	
	35	[illegible] - Trunk	
	36	Frame - Trunk	
	37	Interior - Trunk	
	38	Interior - Trunk	
	39	Car - Trunk	
	40	Car - Trunk	
"	41	10 Live rounds ammunition	Admitted
	42		Admitted
	43		Admitted
	44		Admitted
	45		Admitted
QS	46	QS Blue car	Admitted
Barnes	47	Key in the Datsun	Admitted
26-QS	48	QS Blue car	Admitted

Δ Ex	A	Report - Arnold Survey	
Δ Ex	B	" Arnold	
Δ Ex	C	Copies on Dr. Scott's findings & WB	
Δ Ex	D	" " " ETA	
Δ Ex	E	Tel. Communication - Spring Board	
Δ Ex	F	Spring Board Report TE Arnold	
Δ Ex	G	" " " JW Burgess	
Δ Ex	H	Mesa Hills report	
	I	Atomic Bible	
	J	Hyatt Report	
	K	Deyerle Report	
	L	Polygraph	

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF ~~XXX~~

NO. _____

FILED

A.M. _____ P.M. _____

APR 7 - 1976

J. W. Crutchfield
CLERK

THE STATE OF IDAHO

Plaintiff

-vs-

THOMAS EUGENE CREECH

Defendant

CERTIFICATE OF MAILING NOTICE PURSUANT TO RULE 77 (d) and 55 (b) (1) I.R.C.P.

Mary A. Hill

I, Mary A. Hill, the undersigned authority, do hereby certify that I have mailed, by United States mail, one copy of the Listed below as notice pursuant to Rule 77 (d) and 55 (b) (1) I. R.C.P. to each of the attorneys of record in this cause in envelopes addressed as follows:

Bruce O. Robinson
Attorney at Law
P. O. Box 8
Nampa, Idaho 83651

Robert H. Remaklus
Prosecuting Attorney
Valley County
Cascade, Idaho 83611

Ms Victoria White
Clerk of the District Court
P. O. Box 759
Wallace, Idaho 83873

Lynn Thomas
Deputy Attorney General
State House
Boise, Idaho 83720

Notice of Appeal
Application for Reporter's Transcript
Praecipe
Certificate of Mailing
Motion for Stay of Execution
Order for Reporter's Transcript
Order Staying Execution
Receipt for Exhibits

J. W. Crutchfield
Clerk of the District Court
Valley County, Idaho

By Mary A. Hill
Deputy Clerk

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated: 5/21/76

Mary A. Hill
Clerk

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

THE STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant.	Case No. 9701 ORDER CORRECTING RECORD

FILED
A.M. ____ P.M.
APR 23 1976
[redacted]
BY mary a hill

TO: THE CLERK OF THE DISTRICT COURT IN AND FOR THE COUNTY OF SHOSHONE

Pursuant to Idaho Criminal Rule 36, you are hereby ordered in the above entitled case as follows:

1. To correct the caption on all papers and pleadings filed since the Order changing venue in this matter to show the Court to be the District Court of the First Judicial District in and for the County of Shoshone where the Court is otherwise designated.

2. To file nun pro tunc in Shoshone County all papers and pleadings filed in Valley County since the Order changing venue in this matter as of the date said papers were filed in Valley County.

3. To correct all orders directed to the Clerk of the District Court in and for Valley County in connection with the preparation of the record on appeal in this matter to show that they are directed to the Clerk of the District Court in and for Shoshone County.

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated 5/14/76
mary a hill

STATE OF IDAHO
COUNTY OF [redacted]
ss.
I, [redacted] CLERK OF THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF [redacted] DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF AN ORDER ON FILE IN THIS OFFICE.
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THIS 20th DAY OF April, 1976.

Dated this 26th day of April, 1976.

District Judge

J. RAY DURTSCHI
JUDGE FOURTH JUDICIAL DISTRICT
RESIDENT CHAMBERS
BOISE, IDAHO 83702

April 28, 1976

Mrs. Margaret Lindley
Deputy County Clerk
Shoshone County Courthouse
Wallace, Idaho

Re: Thomas E. Creech
Case No. 9701

Mrs. Lindley,

I have Judge Towle's letter explaining your quandry. Sorry for the confusion; however, I think I can get it straightened out without much trouble if I can find out what has happened.

1. I had requested and assumed that you were furnished a certified copy of the complete record as it existed at the time of the change of venue. I interpret Sections 19-1804 and 19-1806, as requiring that the original papers remain with the original court unless the prosecuting attorney or defendant apply to have the originals transmitted to the new venue. No such application has been made. I.C.R. 21 seems to leave it optional whether the originals or certified copies are sent. Do you have a certified copy of the record as it existed prior to the change of venue?

2. In view of all of the proceedings that were still taking place here in Ada County at the defendant's request, even after the change of venue, I felt it essential that a complete file be maintained here as well as in Shoshone County. With this in mind I thought it was understood with the Clerk of Valley County that you would continue to receive certified copies of all papers filed thereafter. Since, apparently this has not been done, I think it best now to simply send the originals of all papers filed since the change of venue to you and retain certified copies in Valley County. I am going to do this with an order directing that you correct the record to show The District Court for Shoshone County where it is erroneously shown as Valley County and that you retain the original Valley County filing date on papers that were originally filed in Valley County. This is necessary to protect the rights of the defendant particularly as to his appeal time.

J. RAY DURTSCHI
JUDGE FOURTH JUDICIAL DISTRICT
RESIDENT CHAMBERS
BOISE, IDAHO 83702

3. There will be no problem with the notices of appeal, I think, providing you have all of them, if you note the subject matter of the various notices. There should be three separate notices of appeal: (1) Notice filed Dec. 2, 1975, appealing from the Order denying defendant's motion for a new trial and his motion for appointment of court-appointed counsel; (2) Notice filed Jan. 22, 1976, appealing from Order denying motion to set aside verdict; (3) Notice filed April 1, 1976, appealing from Judgment of Conviction. I think it was essential for the defendant to file the earlier notices of appeal since the time for appeal from an order commences to run when the order is entered (19-2805, I.C.). For this reason it is also essential that the original filing date be preserved.

4. To complete the Valley County file we need a set o. the trial minutes.

Best regards,

J. Ray Durtschi
District Judge

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.

Dated: _____

_____ Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

The State of Idaho
Plaintiff

-vs-

Thomas Eugene Creech
Defendant

CERTIFICATE OF MAILING NOTICE PURSUANT TO RULE 77 (d), and 55 (b) (1) I.R.C.P.

I, Mary A. Hill, the undersigned authority, do hereby certify that I have mailed, by United States mail, one copy of the

Letter & Order Correcting Record

as notice pursuant to Rule 77 (d) and 55 (b) (1) I. R.C.P. to each of the attorneys of record in this cause in envelopes addressed as follows:

Bruce O. Robinson
Attorney at Law
P. O. Box 8
Nampa, Idaho 83651

Robert H. Remaklus
Prosecuting Attorney
Valley County
Cascade, Idaho 83611

Ms Victorial White
Clerk of the District Court
P. O. Box 759
Wallace, Idaho 83873

Lynn Thomas
Deputy Attorney General
Statehouse
Boise, Idaho 83720

[redacted]
Clerk of the District Court
[redacted] County, Idaho

By Mary A. Hill
Deputy Clerk

STATE OF IDAHO, County of Valley: ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated 5/4/76
Mary A. Hill Clerk

Filed April 23, 1976.
[illegible]
District Judge

WAYNE L. KIDWELL
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 384-2400

LYNN E. THOMAS
DEPUTY ATTORNEY GENERAL
STATE OF IDAHO

IN THE DISTRICT COURT OF THE ~~FOURTH~~ First JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ~~VALLEY~~ Shoshone

STATE OF IDAHO,
Plaintiff,
v.
THOMAS EUGENE CREECH,
Defendant.

Case No. 2165

NOTICE OF CROSS APPEAL

TO: The Clerk of the above-captioned Court, the Defendant, THOMAS EUGENE CREECH, and to his attorney, Bruce O. Robinson.

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the State of Idaho, Plaintiff, does hereby cross appeal to the Supreme Court of the State of Idaho from the following rulings relating to the receipt of evidence and other matters occurring during the trial of the above-captioned matter:

(1) From the ruling of the trial court rejecting the testimony of Gene Hilby during the State's case in chief;

(2) From the ruling of the trial court rejecting the testimony of Joe Carl Adams during the State's case in chief;

(3) From the ruling of the trial court excluding admissions and confessions of the Defendant from evidence in the State's case in chief;

(4) From the ruling of the trial court denying Plaintiff's motion to permit the prosecution to ask leading questions of the witness Carol Spaulding;

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated 5/14/76
Mary A Lee Clerk

(5) From the ruling of the trial court denying the State's Motion in Limone.

DATED This 23 day of April, 1976.

Respectfully submitted,

WAYNE L. KIDWELL
ATTORNEY GENERAL

LYNN E. THOMAS
Deputy Attorney General
State of Idaho

CERTIFICATE OF MAILING

I HEREBY CERTIFY That I have this 23 day of April, 1976, served a true and correct copy of the above NOTICE OF CROSS APPEAL, by placing a copy in the United States mail, postage prepaid, and addressed to Mr. Bruce O. Robinson, Attorney at Law, P.O. Box 8, Nampa, Idahc 83651, counsel for Defendant.

LYNN E. THOMAS
Deputy Attorney General
State of Idaho

WAYNE L. KIDWELL
ATTORNEY GENERAL
STATE OF IDAHO
STATEHOUSE, ROOM 210
BOISE, IDAHO 83720
TELEPHONE: (208) 384-2400

Copy

FILED

A.M. ..... P.M.

MAY 5 - 1976

J W Creecher Clerk

mary a hill deputy

STATEMENT

OF THE DISTRICT COURT OF THE ~~FOURTH~~ First JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ~~VALLEY~~ Shoshone

STATE OF IDAHO, Plaintiff, v. THOMAS EUGENE CREECH, Defendant.	)	Case No. 2165 STATEMENT OF CONVICTION OF MURDER

TO: THE HONORABLE CECIL D. ANDRUS, GOVERNOR OF THE STATE OF IDAHO.

GREETING:

Pursuant to Idaho Code, section 19-2706, you are advised that on the 22nd day of October, 1975, at Wallace, Shoshone County, Idaho, Thomas Eugene Creech was found guilty by a jury of the offense of murder in the first degree, two counts. Judgment of conviction was given on the 24th day of March, 1976, at Boise, Idaho. This District Court has imposed on the Defendant, Thomas Eugene Creech, the sentence of death, as required by the laws of the State of Idaho, to be carried out at the Idaho State Correctional Institution on the 21st day of May, 1976.

The testimony given at trial shows that Thomas Eugene Creech killed Edward Thomas Arnold and John Wayne Bradford in Valley County, Idaho, on or about the 4th day of November, 1974, by shooting them to death with a handgun. The testimony taken at trial further shows that the killings were attended by premeditation and malice aforethought and that they were not legally justified. There was also testimony that the Defendant, Thomas Eugene Creech, was mentally competent to stand trial and that the offenses were not the product of mental disease

STATE OF IDAHO, County of Valley: ss,
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Date: 5/14/76
mary a hill Clerk

or defect and that the Defendant was not insane within the meaning of the law when the crimes were committed. The Defendant testified and denied committing the crimes charged but was contradicted by substantial competent evidence.

A copy of the judgment of the court is transmitted herewith.

DATED This_____day of April, 1976.

J. RAY DURTSCHI
District Judge

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

NO. _____

FILED

A.M. _____ P.M. _____

MAY 5 - 1976

Mary A. Hill

The State of Idaho

Plaintiff

-vs-

Thomas Eugene Creech

Defendant

CERTIFICATE OF MAILING NOTICE PURSUANT TO RULE 77 (d), and 55 (b) (1) I.R.C.P.

I, Mary A. Hill, the undersigned authority, do hereby certify that I have mailed, by United States mail, one copy of the

(JUDGMENT OF CONVICTION
(STATEMENT OF CONVICTION OF MURDER - Governor Cecil D. Andrus
NOTICE OF CROSS APPEAL - COUNSEL

as notice pursuant to Rule 77 (d) and 55 (b) (1) I. R.C.P. to each of the attorneys of record in this cause in envelopes addressed as follows:

Bruce G. Robinson P. O. Box 8 Nampa, Idaho 83651	NOTICE OF CROSS APPEAL
Robert Remaklus Prosecuting Attorney Valley County Cascade, Idaho 83611	NOTICE OF CROSS APPEAL
Lynn Thomas Deputy Attorney General Statehouse Boise, Idaho 83720	NOTICE OF CROSS APPEAL
Honorable Cecil D. Andrus Governon of the State of Idaho Boise, Idaho	JUDGMENT OF CONVICTION STATEMENT OF CONVICTION

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of the original on file and of record in this court.
Dated 5/5/76
Mary A. Hill Clerk

[redacted]
Clerk of the District Court
[redacted], Idaho

By Mary A. Hill
Deputy Clerk

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

THE STATE OF IDAHO,

Plaintiff,

vs.

THOMAS EUGENE CREECH,

Defendant.

Case No. 2165

CERTIFICATE OF RECEIPT OF REPORTER'S TRANSCRIPT ON APPEAL

NO. FILED

A.M. P.M.

OCT 15 1976

BY Mary A. Hill DEPUTY

Receipt of the Reporter's Transcript on Appeal in the above-entitled case is hereby acknowledged.

Dated this 15th day of October, 1976.

BRUCE O. ROBINSON, Esq.

By: [signature]

Receipt of the Reporter's Transcript on Appeal in the above-entitled case is hereby acknowledged.

Dated this _____ day of October, 1976.

WAYNE KIDWELL, Esq.

By: Tom Williamson

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF [redacted]

FILED

A.M. _____ P.M. _____

OCT 26 1976

[redacted]

BY Mary A. Hill DEPUTY

The State of Idaho

Plaintiff

vs.

Thomas Eugene Creech

Defendant

CERTIFICATE OF MAILING NOTICE PURSUANT TO RULE 77 (d), and 55 (b) (1) I.R.C.P.

I, Mary A. Hill, the undersigned authority, do hereby certify that I have mailed, by United States mail, one copy of the

CERTIFICATE OF RECEIPT OF REPORTER'S TRANSCRIPT ON APPEAL

as notice pursuant to Rule 77 (d) and 55 (b) (1) I. R.C.P. to each of the attorneys of record in this cause in envelopes addressed as follows:

Bruce O. Robinson
P. O. Box 8
Nampa, Idaho 83651

Robert Remaklus
Prosecuting Attorney
Cascade, Idaho 83611

Lynn Thomas
Deputy Attorney General
Statehouse
Boise, Idaho 83720

Ms Victoria White
Clerk of the District Court
P. O. Box 759
Wallace, Idaho 83873

STATE OF IDAHO } ss.
COUNTY OF [redacted]

I, [redacted], Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of [redacted], do hereby certify that the foregoing is a true and correct copy of the original on file in this office. In witness whereof, I have hereunto set my hand and affixed my official seal this Oct 26, 1976

day of _____ 19__

[redacted] Clerk

By Mary A. Hill Deputy

[redacted]
Clerk of the District Court
[redacted]

By Mary A. Hill
Deputy Clerk

In the Supreme Court of the State of Idaho

STATE OF IDAHO, Plaintiff, Respondent and Cross-Appellant, v. THOMAS EUGENE CREECH, Defendant, Appellant and Cross-Respondent.	)	NO. 12224 REMITTITUR

The Court, by per curiam opinion, on reargument on rehearing, announced the decision in this cause January 11, 1979, to the effect that the judgment of conviction of the District Court of the First Judicial District of the State of Idaho, Shoshone County, is affirmed; sentence is set aside and the case is remanded for further proceedings consistent with the opinion in Lindquist.

IT IS NOW THEREFORE SO ORDERED.

I, R. H. Young, Clerk of the Supreme Court of the State of Idaho, do hereby certify that the attached and foregoing is a true and correct copy of the opinion filed in the above entitled cause February 2, 1979, and now of record in my office.

WITNESS My hand and the seal of this Court February 2, 1979.

Clerk

THOMAS E. CREECH # 11984
P.O. BOX 14, UNIT # 8
BOISE, IDAHO 83707

J. RAY DURTCHI, JUDGE
FOURTH JUDICIAL DISTRICT
RESIDENT CHAMBERS
BOISE, IDAHO 83702

FEBRUARY, 11th, 1979

DEAR SIR,

I'M WRITING TO YOU IN REGARDS TO MY RE-SENTENCING DATE. I HAVE BEEN INFORMED THAT THE THE ATTORNEY GENERALS OFFICE IS NOT GOING TO FILE FOR REHEARING. THEREFORE I'D LIKE TO KNOW HOW MUCH LONGER IT WILL BE BEFORE I'M RESENTENCED.

AS YOU KNOW I HAVE OTHER CHARGES IN OTHER STATES AND I'D LIKE TO BE RESENTENCED HERE AS SOON AS POSSIBLE SO I CAN MAKE MYSELF AVAILABLE TO THE OTHER STATES. I DON'T MEAN TO SEEM IMPATIENT BUT I CAN'T REALLY SETTLE DOWN AND DO MY TIME WITH ALL THESE OTHER CAHRGES HANGING OVER ME. THAT IS WHY I'M ASKING TO BE RESENTENCED AS SOON AS I CAN POSSIBLY BE.

THANK YOU FOR YOUR TIME IN THIS MATTER. PLEASE REPLY..

RESPECTFULLY YOURS,
Thomas E. Creech 2-11-79
THOMAS E. CREECH # 11984

CC/ FILE

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

THE STATE OF IDAHO,
Plaintiff,
vs.
THOMAS EUGENE CREECH,
Defendant.

Case No. 2165

It appearing that the above-named Defendant is an inmate of the Idaho State Penitentiary, and that it is necessary that he be brought before the Court on February 23, 1979, at 3:30 P.M.

IT IS THEREFORE ORDERED That the Ada or Valley County Sheriff bring the Defendant from the penitentiary to the Court at said time and on said date;

IT IS FURTHER ORDERED That immediately follwing said court appearance, the Sheriff return said Defendant to the custody of the Idaho State Penitentiary;

IT IS FURTHER ORDERED That the Idaho State Board of Correction release the said Defendant to the Ada or Valley County Sheriff for the purpose of the aforementioned appearance and retake him into custody from the Sheriff upon his return to the penitentiary.

Dated this 15th day of February, 1979.

J. Ray Bartschi, District Judge

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

NO. _____ FILED
A.M. _____ P.M. _____

FEB 15 1979

JOHN BASTIDA, CLERK
BY _____ DEPUTY

The State of Idaho Plaintiff,)
)
vs.)
)
Thomas Eugene Creech)
Defendant.)

CERTIFICATE OF MAILING NOTICE PURSUANT TO RULE 77 (d) AND 55 (b) (1) I.R.C.P.

I, John Bastida, the undersigned authority, do hereby certify that I have mailed, by United States mail, one copy of the ~~TRANSPORT ORDER~~ as notice pursuant to Rule 77 (d) and 55 (b) (1) I.R.C.P. to each of the attorneys of record in this cause in envelopes addressed as follows:

Lynn Thomas
Statehouse Mail

Bruce Robinson
Attorney at Law
1320 12th Ave. So.
Nampa, Idaho 83651

Thomas Creech
P.O. Box 14, Unit 7
Boise, Idaho 07

Dave Segal (hand delivered)
Sheriffs Office

JOHN BASTIDA
Clerk of the District Court
Ada County, Idaho

By _____
Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

HON. J. RAY DURTSCHI
District Judge

Term 19

February 23, 1979
Date

COURT MINUTES

The STate of Idaho)
)
Plaintiff -)
)
Thomas Eugene Creech)
Defendant -)

No. VC 2165

Appearances. Tape L-195 #0000-0042

Lynn Thomas, Attorney General — Counsel for State

Bruce Robinson, Attorney at Law — Counsel for Defendant

FOR RESENTENCING:

Defendant present.

Comments made by the Court. Court reviewed file.

Counsel and defendant waived any mitigation hearing and pre-sentence investigation.

Comments made by the Court.

Defendant waived time and requested the court to proceed with the sentencing.

Statements made by counsel.

Comments made by the Court. Court will impose sentence under the Statute of Second Degree Murder.

Court found there being no legal cause why judgment should not be pronounced, sentenced the defendant to the Idaho State Board of Corrections, to life imprisonment on both counts, to run consecutively. Defendant to receive credit for any jail time spent in county jails and also the ISBC.

Defendant was Remanded.

COURT REPORTER'S ESTIMATED COST OF TRANSCRIPT

PROCEEDINGS $ 35.00
Voir dire
Opening
Closing
Trial

Reporter: John Gambee
Clerk dg
Dated 2-23-79

Approved by:

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

THE STATE OF IDAHO, Plaintiff, -vs- THOMAS EUGENE CREECH, Defendant.	Case No. 9701 ORDER AMENDING JUDGMENT OF CONVICTION

The Prosecuting Attorney with the Defendant, Thomas Eugene Creech, and his counsel, Bruce Robinson, came into Court in Boise, Ada County, Idaho, on the 23rd day of February, 1979, pursuant to Remittitur from the Idaho Supreme Court entered on February 2, 1979, in which it was ordered that the judgment of conviction entered on March 25, 1976, be affirmed, but that the sentence be set aside and the case remanded for re-sentencing.

The Court heard statements from the prosecuting attorney, and counsel for the defendant;the defendant waived his right to a hearing in mitigation, a pre-sentence investigation, and time for pronouncement of sentence and when asked if he had any statement to make before sentence was pronounced he replied that he had none;

Thereupon the Court renders its judgment:

That whereas the said Defendant, Thomas Eugene Creech, having been duly convicted in this Court of the crimes of Murder in the First Degree under Count I and Murder in the First Degree under Count II, pursuant to judgment entered on the 25th day of March, 1976,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, that the said Defendant, Thomas Eugene Creech, is guilty of the crimes of Murder in the First Degree upon two counts and that he be

sentenced to the Custody of the Idaho State Board of Correction of the State of Idaho for the term of his natural life as to Count I, and for the term of his natural life as to Count II, the sentence as to Count II to commence at the termination of the term of imprisonment for Count I. Defendant shall receive credit on said sentence for his continuous incarceration since November 8, 1974.

Defendant remanded for execution of the sentence.

Dated this 23rd day of February, 1979.

District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

THE STATE OF IDAHO, Plaintiff, vs. THOMAS EUGENE CREECH, Defendant.	Case No. 9701 ORDER CORRECTING RECORD

FILED
APR 28 1976
[redacted]
BY Mary A. Hill

TO: THE CLERK OF THE DISTRICT COURT IN AND FOR THE COUNTY OF SHOSHONE

Pursuant to Idaho Criminal Rule 36, you are hereby ordered in the above entitled case as follows:

1. To correct the caption on all papers and pleadings filed since the Order changing venue in this matter to show the Court to be the District Court of the First Judicial District in and for the County of Shoshone where the Court is otherwise designated.

2. To file nun pro tunc in Shoshone County all papers and pleadings filed in Valley County since the Order changing venue in this matter as of the date said papers were filed in Valley County.

3. To correct all orders directed to the Clerk of the District Court in and for Valley County in connection with the preparation of the record on appeal in this matter to show that they are directed to the Clerk of the District Court in and for Shoshone County.

STATE OF IDAHO, County of Valley ss.
I hereby certify that the foregoing is a true copy of [illegible] of record in this court.
5/14/76
Mary A Hill

STATE OF IDAHO
COUNTY OF [illegible]
ss.
I, [redacted] CLERK OF THE DISTRICT COURT OF THE [illegible] JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF [illegible], DO HEREBY CERTIFY THAT THE FOREGOING IS A [illegible] FILED IN THIS OFFICE.

Dated this 26th day of April, 1976.

District Judge

FILED

MAR 25 1976

Clerk

mary a Hill
Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

STATE OF IDAHO, Plaintiff, v. THOMAS EUGENE CREECH, Defendant.	Case No. 2165 JUDGMENT OF CONVICTION

The Prosecuting Attorney with the Defendant, Thomas Eugene Creech, and his counsel, Bruce Robinson, came into Court in Boise, Ada County, Idaho, on the 25th day of March, 1976.

The Defendant was duly informed by the Court as follows:

The Defendant was advised of the nature of the information filed against him for the crime of murder in the first degree on two counts committed on or about the 4th day of November, 1974; of his arraignment on December 4, 1974 and of the continuation thereof until January 8, 1975, for the entry of this plea; of his appearance with the Public Defender of Valley County, Idaho, as his attorney on the said 8th day of January, 1975, and his entry of a plea of "not guilty to two counts of murder in the first degree"; of the commencement of his trial at Cascade, Valley County, Idaho, on the 20th day of May, 1975, and of his Motion for Change of Venue on the 21st day of May, 1975, and of the Order of this Court made May 22, 1975, granting such Motion for Change of Venue; of the Order entered June 18, 1975, pursuant to hearing on June 4, 1975, granting his Motion for Change of Attorney and of his selection of Bruce Robinson as his attorney herein; of the hearing on

STATE OF IDAHO, County of Valley, ss.
I hereby certify that the foregoing is a true copy of this document on file of record in this court.
Dated: 5/14/76
mary a Hill
Clerk

July 10, 1975, for change of venue to Shoshone County and the entry of an Order therefore on the 14th day of July, 1975; of the hearing on August 14, 1975, pursuant to Stipulation, whereat the trial was set for October 6, 1975 in Shoshone County, Idaho; that such trial commenced October 6, 1975, and that on October 22, 1975, a verdict of guilty to two counts of murder in the first degree was returned; the Defendant was advised that every person found guilty of murder in the first degree shall suffer death.

The Defendant was then asked if he had any statement to make before sentence was pronounced to which he replied that he had none. The Defendant was then asked if he had any legal cause to show why judgment should not be pronounced against him to which he replied that he had none. Thereupon the Court renders its judgment: That whereas the said Defendant, Thomas Eugene Creech, having been duly convicted in this Court of the crime of two counts of murder in the first degree,

It is therefore ordered, adjudged and decreed that the said Defendant, Thomas Eugene Creech, is guilty of the crime of murder in the first degree upon [illegible] counts and as punishment therefore he shall upon each count suffer death in the manner provided by the statutes of the State of Idaho on the 21st day of May, 1976.

The Defendant was then remanded to the custody of the Sheriff of the County of Ada, State of Idaho, to be delivered by him into the custody of the Director of the State Board of Corrections, State of Idaho, for execution of such sentence.

DATED This 25th day of March, 1976.

J. Ray Durtschi
District Judge

9-30-76

Dear Sir:

I'm writing this letter to you in regards to my appeal status, and also to request a hearing for getting a new attorney. First of all I have been here for 6 months now & have had no word on my appeal from Ms. Robinson, my present att. I was informed that Mr. Ryan Thomas off the Attorney General's office, said my transcript hasn't been finished yet by the court reporter. Also that Ms. Robinson said it would be at least 8 more months before my appeal brief was filed or could be heard. I believe that all these delays are non-necessary & it's one act of conflict between my attorney's feelings to me. So, I'd like to have a new attorney to handle my appeal. Please answer this letter & tell me what I can do.

C.C. File -

Respectfully,

RALPH PIERCE - SOCIAL WORKER TOM

RONALD BRUCE - ASST. A.C. C/MCA

PERSONAL FILE

October 5, 1976

Thomas E. Creech
Post Office Box 7309
Boise, Idaho 83707

Re: State v. Creech
Case No. 2165

Dear Mr. Creech:

In response to your letter of September 30, 1976, the reporter tells me that the transcript of the trial is nearing completion. I am sure you will understand that the transcript is an unusually long one in view of the length of the trial. We have no provision for a court reporter to take time off from daily court work to do work on appeal transcripts. This requires that he work on appeal transcripts while at the same time doing daily trial and court work. Under these circumstances I feel the reporter has progressed much faster on this transcript than I expected him to. Once the transcript is served on the attorneys they each have an opportunity to file objections to its accuracy. When the transcript is finally settled for accuracy the attorneys then write and file briefs with the Supreme Court. After the briefs are all in the matter is scheduled for oral argument in the Supreme Court at its next regular term after that. I can't predict how long all of these matters will take. However, I see nothing at this point to indicate that Mr. Robinson is not pursuing your appeal diligently. Furthermore, it would be an extreme burden on a new attorney who had no background in the case and did not participate in the trial to be brought in at this point to handle the appeal. In fact it might be prejudicial to you. In any case, once an appeal is filed the district court loses jurisdiction in the matter and any further proceedings have to be handled by the Supreme Court. Therefore, it would not be appropriate for me to schedule any further hearings in this case while the appeal is pending.

Very truly yours,

JOHN HOPTICH

District Judge

J. RAY DURTSCHI
JUDGE FOURTH JUDICIAL DISTRICT
RESIDENT CHAMBERS
BOISE, IDAHO 83702

September 5, 1980

Mr. William G. Schrieber
2403 8th Avenue
Lewiston, Idaho 83501

RE: State vs. Creech

Dear Mr. Schrieber:

In reply to your letter concerning return of your gun, I am enclosing a copy of a letter I wrote to Robert Remaklus, former prosecuting attorney for Valley County, in reply to an inquiry he made on your behalf.

Very truly yours,

J. Ray Durtschi
District Judge

JRD/ba

ENCLOSURE

AUG 13 1980

Lewiston Ida.

Hon. Judge Durtschi:

Dear Sir:

I am writing you in regards to the Creech case in the. I was a Witness in that case.

The Prosecuting Attorney promised me that I would get my gun back that Mr. Creech stole from me.

I have written to the present prosecuting attorning + She will not answer My letters.

I have written to the Attorney Gensral Office in Boise + They told me the case has been settled + There is no reason to hold my Gun any longer.

I Hate to bother you, But could you help me get my Gun Back?

I have had this Gun over 35 years + would very Much Like to get it returned to me

The attorney Gensral's Office told me

all I had to do was write to
Prosecuting attorney Dark Williamson
& she would see I got it Back but
she won't answer my letter.
Hoping you can help me as I
would appreciate it very Much
Yours Sincerely
William G. Schreiber
[redacted]

Office Of The
DISTRICT ATTORNEY
SACRAMENTO COUNTY
P.O. Box 749 • 905 G Street • Sacramento, California 95804

TELEPHONE (916) 444-0520

JOHN M. PRICE
District Attorney

GEOFFREY BURROUGHS
Chief Deputy District Attorney

March 29, 1976

Honorable J. [illegible] Durtschi
District Court Judge
Boise, Idaho

Attn: Clerk of the Court

Re: THOMAS E. CREECH

Dear Judge Durtschi

It is our understanding that Thomas E. Creech was to be sentenced in your Court on March 25, 1976, for the murders of John Wayne Bradford and Edward Thomas Arnold.

Confirming our recent telephone call to your office, it is our intention to request temporary custody of Mr. Creech under the Interstate Agreement on Detainers so that he can be prosecuted in Sacramento County for Murder First Degree. In order to do so, we will require proof of his prior conviction for the murders of Bradford and Arnold, as well as the Minute Order on the conviction and the Sentence Order.

Your assistance in this matter will be greatly appreciated.

Very truly yours

Geoffrey Burroughs

GEOFFREY BURROUGHS
Chief Deputy

GB:jc

M. B. Shepherd Sheriff

Valley County Sheriffs Office

P. O. Box 529
Cascade, Idaho 83611

Ph. Area Code 208 - 382-4202

August 3, 1983

Honorable W. E. Smith
Fourth Judicial District Judge
Cascade, Idaho

Dear Judge Smith:

Will you please send me a letter so that I may dispose for junk the Creech murder car that we have been holding in our county yard these past years. This car was never entered into evidence during the trial of Mr. Creech and it belonged to one of the victims of the crime.

Some years ago we tried to contact a brother, in Colorado, of the owner, with negative results. The car is a 1955 Buick 4-door sedan which has been in an unsecured area and has been vandalized numerous times, and we would like to remove the eyesore from our county yard. There is no value connected with the vehicle and it would be for disposal purposes only.

Respectfully,

M. B. Shepherd, Sheriff
Valley County, Idaho

Ok to dispose of car in Creech case
8/5/83

J. RAY DURTSCHI
JUDGE FOURTH JUDICIAL DISTRICT
RESIDENT CHAMBERS
BOISE, IDAHO 83702

July 9, 1980

Robert H. Remaklus
Professional Center Building
P. O. Box 759
Cascade, Idaho 83611

RE: State vs. Creech

Dear Mr. Remaklus:

In answer to your inquiry concerning the murder weapon in the above case, disposition of exhibits and court records in criminal actions are governed by I.C. 19-3807, ICR 41.1, and I.C.A.R. 38(d). Until receipt of your letter I had not been aware that Mr. Schreiber was even seeking to recover the gun. It would seem to me that a general order for disposition of exhibits in the case should be addressed to the administrative judge pursuant to I.C.A.R. 38(d) after giving appropriate notice to the Historical Society. As trial judge I could endorse an approval on that order for release of the gun to conform to the requirements of I.C. 19-3807, if no law enforcement agency is seeking to obtain possession of the gun. If any law enforcement agency contests Mr. Schreiber's right to recover the gun, the matter would probably need to be noticed for a hearing with appropriate notice to Mr. Schreiber and the interested law enforcement agency.

Very truly yours,

J. Ray Durtschi
District Judge

JRD/bae

CC: Prosecuting Attorney of
Valley County
Sheriff of Valley County

ROBERT H. REMAKLUS, LAWYER, P.A.

Reply To:

Robert H. Remaklus
Professional Center Building
104 West Cascade Street
Post Office Box 759
Cascade, Idaho 83611
Telephone [208]382-4267

Stanley A. McAlister
201 North Third Street
Post Office Box 1495
McCall, Idaho 83638
Telephone [208]634-7188

June 16, 1980

Honorable J. Ray Durtschi
Fourth District Judge
Ada County Courthouse
Boise, Idaho

Re: State vs Creech

Dear Judge Durtschi:

William G. Schreiber of Lewiston, Idaho, owner of the murder weapon in the above matter has been trying for several years to obtain such weapon from custody of the court and apparently has received no satisfaction or direction.

I discussed this matter with Valley County Sheriff, Blair M. Shepherd, and advised that I was going to contact you. He asked me to inqure about whether or not he could obtain an order to dispose of the balance of the evidence.

If your order is required to obtain Mr. Schreiber's pistol I shall prepare the same. Also I shall be most happy to pass along to the sheriff any recommendation you have with reference to the balance of the evidence.

With kindest personal regards, I am,

Very truly yours,

Robert H. Remaklus

bb

THOMAS: Can you describe that person?

SPAULDING: No.

THOMAS: What kind of car was it?

SPAULDING: It was a small car.

THOMAS: Like a Toyota or Datsun or one of those kind?

SPAULDING: Yea.

THOMAS: Was it a man or woman driving?

SPAULDING: A woman and a child.

THOMAS: A woman and a child. Do you remember approximately what her age was? Was she old, middle aged, young?

SPAULDING: I can't remember that, but I remember she had a little boy or little girl.

REMAKLUS: What did you talk about on the way down with her?

SPAULDING: I don't think nothin'. Tom usually done all the talking, I never done the talking.

REMAKLUS: Do you remember what they talked about?

SPAULDING: Huh uh.

REMAKLUS: We've never been able to locate whoever that was (unintelligible) Did they live around there, do you know?

SPAULDING: I think, they didn't go all the way into Boise, right outside Boise.

THOMAS: Did they turn off the road and let you out, or something like that?

SPAULDING: Yea, they let us out.

THOMAS: Do you remember what you were near when you got out, a road or anything like that.

SPAULDING: The road that goes into Boise.

THOMAS: State Street?

SPAULDING: I don't know.

THOMAS: Was there a stop light there?

SPAULDING: I don't know. There was a store and a hamburger stand. I don't know what street it was.

THOMAS: Did you get another ride then?

SPAULDING: Uh huh.

THOMAS: Or did you walk the rest of the way?

SPAULDING: We got another ride.

REMAKLUS: Carol, did you get out of the first car with the woman and the child where the 2-lane highway ran into a 4-lane highway, do you remember?

SPAULDING: Huh uh, I couldn't remember where he lived. It's a big street though, it was a big street and there was a fishing tackle store or something.

REMAKLUS: Was it a place where you could drive under like an old fashioned service station?

SPAULDING: Huh uh, it was right along side the road.

REMAKLUS: Was there a stop light near there?

SPAULDING: I didn't notice.

REMAKLUS: I'll bet I know where it was.

THOMAS: I think, did you tell somebody before that Tom had told you that he had killed other people and you didn't believe him, or something like that?

SPAULDING: Yea, I think it was mentioned a couple of times.

THOMAS: Did he tell you anything specific about any of those people?

SPAULDING: He said he shot a guy in church, and I though in a church, why would he do something like that. I didn't say nothing about it, I just ignored it. I wanted to go home to my Mom, the whole time, and then when I got home to my Mom he wanted to leave and I wanted to stay with my Mom, but he said we'll come back, we'll come back. I just want you to come with me.

THOMAS: Did he say where you were going? Did he talk about going to Denver, or anything like that?

SPAULDING: I think he talked about going to New Mexico. He said there was some biker there he wanted to see. I didn't really want to go with him because I just wanted to see my Mom.

THOMAS: Uh huh.

SPAULDING: Was only there a couple of days.

THOMAS: He didn't tell you specifically where you were headed then, is that right?

SPAULDING: To New Mexico, I think.

THOMAS: To New Mexico?

REMAKLUS: Had Tom been a biker, himself?

SPAULDING: He said he had, I'd never seen him.

REMAKLUS: What group did he belong to?

SPAULDING: He said some (unintelligible)

THOMAS: Did you ever see him around any bikers or talking to any bikers?

SPAULDING: Huh, uh.

THOMAS: Can you remember anything about any of the people that you did meet when you were with Tom out on the road or any other place?

SPAULDING: Not really.

THOMAS: Were there a lot of people?

SPAULDING: Yea, we was hitchhiking, and there is a lot of people when you're hitchhiking.

THOMAS: Did you ever pal around with anybody for any length of time that you would...

SPAULDING: Just the guy we stole the car from.

THOMAS: That was in Virginia?

SPAULDING: Yea, I think so. Because Tom and him was breaking into places.

THOMAS: Was that in Virginia?

SPAULDING: No it was in Tennessee, around there. I really don't know but it was on the way to Kentucky.

REMAKLUS: On your way to Kentucky?

SPAULDING: Yea.

REMAKLUS: Where did you pick that (unintelligible) up?

SPUALDING: On our way to Kentucky. I don't remember where. I think maybe in Texas. I don't know.

REMAKLUS: Was he driving a stolen car?

SPAULDING: Well he said he was. After awhile he told us that his car was hot. So it give us a reason to take it.

REMAKLUS: Did Tom get in a gun fight back there in Kentucky?

SPAULDING: I never seen him with a gun until the end.

REMAKLUS: Until when?

SPAULDING: Until the end. I never saw him with a gun.

REMAKLUS: Did you know he had that gun when you left your Mother's place?

SPAULDING: No.

REMAKLUS: When did you find out about it?

SPAULDING: When he shot them I found out but, he had a little lump in his side, and I knew something was there, but I thought it was something for me. Because he was always getting me things, and then he'd surprise me with them. So I thought maybe it was something for me so I was just gonna let it be. But it wasn't. I hope it wasn't.

REMAKLUS: Did you see him with any other guns or knives in the car?

SPAULDING: I didn't see none.

REMAKLUS: Did you see anybody take a knife and hold it up towards Tom?

SPAULDING: Huh uh, I don't think so.

REMAKLUS: You know, when you got into Boise there, did you know those people where you were going, or did Tom?

SPAULDING: Neither one of us did.

REMAKLUS: How did you happen to get acquainted?

SPAULDING: We was at a truck stop and we met him, and he said oh you can come stay with me, my wife's pregnant and she needs help. So I helped out with his wife and done the dishes and cleaned the floor and the house and stuff.

REMAKLUS: Now was that Marsh?

SPAULDING: Uh huh, and she had her baby. So I helped her out a little.

REMAKLUS: Was it Marsh...and who was it with Tom that robbed the 7-11 Store?

SPAULDING: I don't know his name.

REMAKLUS: Was there two or three guys?

SPAULDING: There was two.

REMAKLUS: Two went with Tom.

SPAULDING: Uh huh.

REMAKLUS: Was it Gilliland?

SPAULDING: I didn't know his name, Rick I think.

REMAKLUS: and Marsh?

THOMAS: Rick?

SPAULDING: Rick, I didn't know his last name, I knew his first name.

REMAKLUS: One of them lit out, you know...

THOMAS: That was Marsh.

REMAKLUS: It was his wife that had the baby, wasn't it?

SPAULDING: Yea.

REMAKLUS: Mrs. Marsh, you went over to the hospital didn't you and visited her?

SPAULDING: Yea. I bought her some candy.

REMAKLUS: Did Tom ever boast and brag to you about killing other people?

SPAULDING: I think just the guy in the church. You know, just to hear him talk like that, lots of guys go around saying they've killed people before, you know? It's must something I guess that shows their manlihood. I don't know, maybe that's why Tom ~~does~~ Did it, to show me what a man he was. I've heard that so much from different guys. What's so big about that? What makes you so big, that doesn't make you big, it makes you small. So I just didn't believe it, really. Then he told me he was wanted, and I thought, if you're wanted what are you doing out here on the road hitchhiking, that's what I thought. He said so much weird stuff I thought...I just kinda thought he was nuts.

REMAKLUS: Was he always pretty nice to you?

SPAULDING: He was always nice to everybody we met. He seemed real nice and friendly. He was even nice to the guys he killed.

REMAKLUS: Yea, it's kind of hard to understand isn't it.

SPAULDING: Yea. He was nice to me too. I don't know, after he

shot them guys he kept saying Carol I'd never hurt you, I'd never shoot you, because he knew that I was scared to death, so he kept telling me that.

THOMAS: Did he ever mention anything about shooting this guy that picked you up at the rest stop?

SPAULDING: At the rest stop?

THOMAS: Rivers, Steven Rivers?

SPAULDING: No, but I thought he was going to

THOMAS: Did you?

SPAULDING: I kind of did, yea.

SPAULDING: Because when we got stopped he had the gun right here, and he put it in my purse, but

THOMAS: Sort of in his belt, you mean?

SPAULDING: In his...tucked in his pants. You know I kind of wanted to do something because I kind of thought he might. I didn't really know, but that fellow was a nice guy (unintelligible).

REMAKLUS: (Unintelligible), but I have never used it.

SPAULDING: I don't know if he was or not, though.

THOMAS: He never mentioned it to you in any event?

SPAULDING: Huh uh, but after he shot them guys, I just didn't know what he was going to do.

THOMAS: Did Tom talk to you or discuss his past life or his childhood or his family?

SPAULDING: Yea, he said he was married twice. I think he (unintelligibl I don't know.

THOMAS: Did he talk about his parents?

SPAULDING: He said his father was dead, and his mother wasn't.

THOMAS: He said she was not?

SPAULDING: His Mother, she was alive. And he said she was a good cook.

THOMAS: Did he speak highly of her?

SPAULDING: Not really.

REMAKLUS: Did he tell you that he had a pretty rough time growing up?

SPAULDING: He didn't talk much about when he was a kid, about playing and stuff (unintelligible)

THOMAS: Did he talk about any particular kind of play that he did when he was a child?

(Side one ends) (Part of conversation missed)

(Side two)

THOMAS: What about this Freddie now, did he have a brother named Freddie, or do you know?

SPAULDING: He said he did. I never met him or talked to him or anything.

THOMAS: Was it Freddie Creech or did he have another name?

SPAULDING: Well when I met Tom I didn't know. He didn't give me his name. He never told me it was Thomas Creech. He said it was Larry something.

THOMAS: Was it Larry McWhorter?

SPAULDING: Yea, that was what he said his name was. I went along until we got on our way back to Lewiston and then he said "I'm wanted." "My name's not Larry," and I thought "huh" you know I just started noticing weird things happening and stuff.

THOMAS: Did he ever mention a Freddie Richardson?

SPAULDING: Huh uh. I think his brothers went by McWhorter, I'm not sure.

REMAKLUS: There's a lot of names in here, of course Gillian, uh

SPAULDING: I read a story he had in detective magazine; Thomas Creech was in it. One of the girls had a detective book here.

REMAKLUS: Did they?

SPAULDING: Yes. It said how cute I was.

REMAKLUS: Do they still have the book around here?

SPAULDING: Yea.

REMAKLUS: Let's get it and have a look at it, maybe we can ask the

lieutenant.

SPAULDING: One of the girls had it.

THOMAS: Is that the one that talked about the Portland case?

SPAULDING: Yea, it talked about the Arizona case and Portland case.

THOMAS: Did it have a picture of Tom on the front, and

SPAULDING: Yea, it was called the Killer with the Cross on His Cheek.

THOMAS: Yea, that's the "Inside Detective" story. We've already seen it

REMAKLUS: Well, I'd never heard of it.

SPAULDING: When I came back here after I went up there for the trial and came back, everybody said you was in the detective magazine. I thought, "oh no," then I read it.

REMAKLUS: Did you see it, Lynn?

THOMAS: Yea, Joel Grayson sent me a copy. Didn't he send you a copy? Oh, well, I'll get you a copy of it. Your name's in it.

SPAULDING: My name's not, was it?

THOMAS: Yeah

SPAULDING: I don't think it was.

THOMAS: Maybe I could be mistaken but

SPAULDING: I don't think it was.

THOMAS: Maybe I could be mistaken but

SPAULDING: I was hoping it wasn't.

THOMAS: Maybe you were simply described in it rather than being

SPAULDING: Yea, he said how cute I was. I hope my name wasn't in it, because I

THOMAS: Maybe not, it could be that they didn't mention your actual name.

REMAKLUS: What's the...do you like it better down here than you did up there in Boise?

SPAULDING: A little bit, it's a little nicer. I'm going to school and trying to get my GED, which in Boise I couldn't do. You know, a teacher came in once a month, that wasn't enough , really.

REMAKLUS: There's more gals down here than there were in Boise.

SPAULDING: Yea.

REMAKLUS: Did they all come down here, Carol?

SPAULDING: Uh huh

REMAKLUS: I was really surprised.

SPAULDING: They closed it down because there wasn't enough people in it.

REMAKLUS: I wondered why they.....There's some pretty cute girls in here, right there. What are these kids in for, do you know?

SPAULDING: Oh, all kinds of different things. There's one thing that's really strange since I've been in prison that I've noticed. There's a lot of people for killing their husbands and wives. A popular crime. I think that's unusual.

REMAKLUS: No, I think you have more opportunity to get mad at a husband or wife than anybody else, you're around them more, you know.

SPAULDING: Yea, that's kind of unusual.

REMAKLUS: Yeah, some of these gals in for that?

SPAULDING: Yea, a couple of them are. It just kind of struck me as unusual that there was that many. Then in Idaho there was a lot for assault with deadly weapons, shooting them but not killing them. Seems like a lot of people shot their husbands.

REMAKLUS: You know I've got one of those, I've got to try a young woman in McCall. She took a deer rifle to her husband, and when she shot him she shot him right here. He was just bending over to take off his overshoes when she shot him.

SPAULDING: Did it kill him?

REMAKLUS: No, it didn't kill him, just as he bent over to take off his overshoes, otherwise she'd have got him right through the heart. Husband and wife, they're both screwy. There's quite a few of these gals, aren't there? Probably a lot of guys over in the other place for lowering the boom on the old lady too. You think any day now for your baby, huh?

SPAULDING: It was supposed to be last week. I was due June 8, was my date.

REMAKLUS: Now will they take you downtown to the hospital?

SPAULDING: Yea, and then it has to be in a foster home. I'm worried about how I'm going to get it out of there.

REMAKLUS: Well I tell you this is all strange to me, because I've never been involved in a situation like this, so I don't have any advice or any words of wisdom for you on that.

SPAULDING: Yea, well like welfare workers will come to see me, and I'll try to talk about how I'm going to get it and how I'm gonna, where it's gonna be placed, and they will say now just a minute and let me finish. They tell me about adoption. They say just let me finish and tell me how nice it is. I don't want to adopt it out.

REMAKLUS: Carol, how far through school did you get?

SPAULDING: I got about a 10½ grade level in my school_____

REMAKLUS: Well it shouldn't be very difficult for you to get your GED.

SPAULDING: Huh uh. I just have problems with math and I'm getting over that. I've got over most of it.

REMAKLUS: Now what is the name of the place in Seattle that you may attend?

SPAULDING: Pioneer Cooperative Affiliation is the name of it.

REMAKLUS: Say that again.

SPAULDING: Pioneer Cooperative Affiliation. I don't know too much about it. They just wrote and told me that if I was interested to write to them, so I wrote them and I'm waiting to hear from them.

REMAKLUS: We sent a fellow up on a burglary charge, and we sent he and his wife and his kids all of them over to a program over at Glasgow, Montana where they take the whole family and so that sounded good to me, and maybe get them all squared around.

SPAULDING: Oh, wow.

REMAKLUS: Well this sounds good, I hope you don't change your mind. Now you want to go up there because you'll learn something and if you're going to keep that baby, you have to be able to earn a living. You can't take the baby out on the road like you were.

SPAULDING: Well the people in Idaho screwed me over when I had my 120 days. Like this counselor, he said it would be suitable if I went out on welfare until the baby got older, so I said okay

that's what I'm going to do, and I didn't get out.

REMAKLUS: Well I think you are going to have to figure on being able to support yourself, here.

SPAULDING: Yea, I know, that's what I'm planning on doing, but I was going to do that until I could get situated and while the baby is so little, so I could take care of it, but I can't do that. She told me I could, but she lied to me, not really.

REMAKLUS: The only time that I was ever out at the Idaho Penitentiary, the new one, was that day that Jim and I came down to visit with you. I'J never been in there before or since.

SPAULDING: Yea.

REMAKLUS: Do they take pretty good care of you here? Do you feel (unintelligible)

SPAULDING: Oh yea, they do alright.

REMAKLUS: How's the food and everything? Do they have good food here?

SPAULDING: It's okay.

REMAKLUS: You don't sound very enthusiastic.

SPAULDING: Well, sometimes it's better and sometimes it's worse.

REMAKLUS: Well, Lynn, uh, I want to ask you somemore, just some names just to see if they wouldn't refresh your memory, and let's see Rick, well that was down in Boise. Jeff Oslow from Crescent City, California, did he ever mention him?

SPAULDING: No, but he mentioned he knew some people in Crescent City.

REMAKLUS: Then there is somebody John Boy and here's a Jerry. Let's see, Paul G. Amerrow.

SPAULDING: No.

REMAKLUS: Ammeralt?

SPAULDING: No, I didn't know any of Tom's friends.

REMAKLUS: He was from Baltimore. Jerry and his old lady Donna, was that the Sage that you mentioned?

THOMAS: Yea, that's what I was after.

SPAULDING: Where does it say about them?

REMAKLUS: Well it just says here "they thought I was Larry McWhorter, and they didn't run a fingerprint check, so once again I escaped

the hand of the law. In the early part of October I was sent to New Mexico to waste three Mexicans who were prospects of the Banditos who had killed one of our members." Were the Banditos a biker? "I found them, killed them at Blue Waters State Park near Grants, New Mexico." Is that familiar to you? "I also took Jerry and Donna and John Boy on that trip. Jerry and his old lady Donna had ripped off 20 pounds of smack from our family and was also responsible for the death of...."

SPAULDING: That's, that's what he told me about. Right after I met him he said that's what Jerry and Donna, they took that dope.

REMAKLUS: And then here I can't, "the death of" and then I can't read that, they've cut it off, then

THOMAS: Well what else did he tell you about that?

SPAULDING: Well that was the first night that I knowed him. I knowed him before, but that was the first night that we left the carnival together. He was calling to ask about his car, his car, his car, trying to get hold of his car, and he said that it was in his car, this dope was. Then he said they tore the rear end out of his car, but I guess, I don't know.

THOMAS: Well that was after they left with the car?

SPAULDING: Yea, I never saw the car. But he said they were fixing it, and they tore the rear end out of it when they got impounded.

THOMAS: Was that Jerry and Donna that tore the rear end out of it?

SPAULDING: This was a different one from the one we picked up hitch-hiking.

THOMAS: This is a different Jerry and Donna?

SPAULDING: Yea, and then the people we picked up hitchhiking, their names was Jerry and Donna.

THOMAS: Well had he talked about Jerry and Donna before you picked up these hitchhikers, or did that come up afterward?

SPAULDING: Well he just talked about them that night.

THOMAS: Was that after you had picked up the other Jerry and Donna?

SPAULDING: No, that was before that.

REMAKLUS: The night you left Fresno, huh?

SPAULDING: Yea, that was the night.

REMAKLUS: Let me read you a little bit more here, maybe it will

THOMAS: Excuse me just a second.

REMAKLUS: Yea, sure.

THOMAS: Did you ever personally see the other Jerry and Donna or meet them, that supposedly stole the dope?

SPAULDING: No. He just talked about them.

REMAKLUS: It said "so unsuspecting the death ritual had been imposed on them and they were to die. Jerry really begged a lot for me not to kill him, but I shot him while he was still begging. John Boy took care of Donna and he also killed two old people and ripped off their camper. That was out of order, so I also wasted John Boy. But John Boy died the next week in his van in Barstow, California." Do you know anything about that?

SPAULDING: The only people we met in Barstow is, I can't remember their names. Rosemary and Lee was their names. We took their car.

REMAKLUS: Do you know anything about a van down there?

SPAULDING: No. When we was in Barstow, we was just going through. We got on the freeway and got a ride. We got a ride to this old ghost town kind of like. There's a ghost town by there, it was by there, and there was no cars that drove by there at all. Then finally this guy that picked us up and give us a ride out to that old deserted place, we was having coffee and then we was walking back to the freeway, and this same guy picked us up and he said "you can stay with us.". So we stayed with him. Then we got drunk.

THOMAS: That was the Jerry then.

SPAULDING: No that was Lee, Lee and Rosemary. So we stayed with them a couple of, and they were weird. They wanted to swap out and stuff. I thought this isn't what I want to do.

REMAKLUS: You mean change partners?

SPAULDING: Yea. Then, well, we stayed there a couple of days and went out to some caves. We went to Calico Ghost Town, a ghost town, just kind of sight seeing.

THOMAS: With Lee and Rosemary?

SPAULDING: Yea. Then we took their car.

THOMAS: Tom stole their car you mean?

SPAULDING: Yea.

THOMAS: What happened to them?

SPAULDING: Well, we was at the caves. They was lookin at these caves and there was some, it was just kind of a hassle really.

REMAKLUS: Well did, uh,

SPAULDING: to me. He took the keys out of the car and then they was looking for the keys and they couldn't find them so they decided they was gonna walk and told us to stay with the car.

THOMAS: They walked off then and did you ever see them after that?

SPAULDING: No.

THOMAS: After they walked away you drove off with the car, or Tom did, rather?

SPAULDING: Yea. I don't know how to drive.

THOMAS: Did you ever go inside of any of these caves around this area?

SPAULDING: Uh huh.

THOMAS: Was that at Calico?

SPAULDING: Yea, it was right be Calico (unintelligible) and we went in some of them, but it was no fun going in them. They just had holes and stuff and things to bang your head on. So me and Rosemary most of the time we just set around. We'd sit inside this little front part of the cave, like some have a real big front like a front room. We'd just sit there and wait.

THOMAS: Were you ever with Tom any place in California when your car got stuck and you were pulled out by a Pepsi-Cola truck or a beer truck or any other thing like that?

SPAULDING: No, Barstow was the only place we ever got a car, and from Barstow we went to Arizona right after we got it.

THOMAS: In other words, you got the car from Rosemary and Lee in Barstow; is that where the Calico Mine area is, around Barstow?

SPAULDING: Uh huh.

THOMAS: And then you drove from there to Flagstaff?

SPAULDING: Yea, and that's where we met Jerry and Donna.

THOMAS: And then they took the car from you, is that right?

REMAKLUS: They stole it from you and Tom?

SPAULDING: No, we give it to them.

THOMAS: Oh, you gave it to them, I see.

SPAULDING: Out of the kindness of our heart.

REMAKLUS: You gave them Lee's car.

SPAULDING: Yea.

THOMAS: Well do you know what Lee and Rosemary's last name might be?

SPAULDING: Wert, W-E-R-T

THOMAS: W-E-R-T. Were they the actual owners of the car, or had they

SPAULDING: I think they was buying it. I don't think they owned it yet, but they were just from Michigan, but they'd moved to, the car was from Michigan, but I don't think the plates were, I'm not sure though.

THOMAS: Well had they been living in Michigan or...or in California?

SPAULDING: They were living in California then, but before they'd lived in Michigan.

THOMAS: And it was around the Calico Mines that you took the car from them and then, let me get it straight in my mind, where was it that Jerry and Donna picked up the car from you?

SPAULDING: We gave it to them in Albuquerque.

THOMAS: Albuquerque, New Mexico.

SPAULDING: Yea.

THOMAS: Did you hitchhike then from there on to Kentucky?

SPAULDING: Yea, until we got into Kentucky and went into Virginia. We turned around up in Virginia and (unintelligible) to see my Mom.

THOMAS: What was the reason for giving them the car? Was it because it was stolen?

SPAULDING: Yea, I didn't like the idea of having a hot car, it just helped me get arrested and then I'd get in trouble and I wanted to go see my Mom. That's the only reason I done any of that shit, because I wanted to see my Mom. Then I felt sorry for Tom, but then he just turned out to be a fuck up.

REMAKLUS: Did Tom think that you wanted him to shoot those guys up there, do you know anything about that?

SPAULDING: I don't know, I don't know why he would think that. I wouldn't know where he would get that idea.

REMAKLUS: Well, I didn't either, but

SPAULDING: Did he have that idea?

REMAKLUS: Well, I can't tell, you know, that's why I asked you.

THOMAS: Do you have a poem about that that he wrote. Maybe we could show that to Carol and ask her to just comment on that.

REMAKLUS: Okay, "Busted," I don't know which one, "Ballad of the Sheriff," "The Cook," here this must be it, here. I haven't had a chance to read it.

SPAULDING: I really think Tom is feeding you a lot of shit the way it sounds, but I don't know.

REMAKLUS: It's awful hard to tell, Carol, and that's why we're

SPAULDING: Yea, it's awful hard to tell because all the time I thought he was telling shit it come true, so it's hard to tell.

REMAKLUS: Yea. "It started down in Valley County
Me and Carol was just passing through
So we thought we were in luck when
the two men us up,
Cause they said they were going to Boise too.

We rode with them from Grangeville
To a junction outside of Cascade
And that's where they tried to rape Carol
That was the one mistake they made."

Now they didn't try to rape you, did they?

SPAULDING: No. They didn't do nothing with force, but they was just making passes and stuff, so

REMAKLUS: "I pulled my gun from its holster
I fired four shots from my side
Now they will never hurt my Carol
For trying, both of them died.

I turned and held Carol to me
She was trembling and her heart was filled with fright
Then the darkness was all around us
And the thought of death filled the night."

Now, did he hold you up there?

SPAULDING: I don't think so, because I know I said "Tom, why did you do that?" And he said "get in the car." I was scared, but it didn't even bother him.

REMAKLUS: "They caught us near a town called Glenns Ferry
And booked us on murder first degree
Then I gave my full confession
And asked them to set my Carol free.

The papers printed up a story
But Lord they didn't print the truth
That's why I've written down these words
And now people, I'm asking you."

SPAULDING: I think he wrote that poem and sent it to me.

REMAKLUS: "Now if it had been you and your Carol that night
Instead of my Carol and me
Would you have let them raped her
Or would you have done like me.

By the laws of the State of Idaho
For first degree murder one dies
But for protecting the one you love
Do you think it's right?"

Evidentally he is trying to justify it now, isn't that what you would say?

SPAULDING: Yea.

REMAKLUS: Well, did you think there was any reason to shoot those guys?

SPAULDING: Not really, it shocked me. Like I asked him "why did you do it?" That was about the only thing I said. When he shot them I think I said "Oh my God" because it shocked me, and I asked him why he'd done it. He didn't say.

REMAKLUS: Had you started to urinate there by the car when he shot them?

SPAULDING: No. Like I got out of the car, he got out of the car first and then I got out, and he just shoved me away out, out of his way.

REMAKLUS: You were right in the middle then?

SPAULDING: Yea.

REMAKLUS: Uh,he, he pulled them over in the ditch by himself did he, Carol?

SPAULDING: Yea. (unintelligible)

REMAKLUS: Did you get sick to your stomach there?

SPAULDING: I felt...I don't...I didn't puke, but I was awful sick. That whole night I was sick (unintelligible) I was feeling better.

REMAKLUS: Well, I don't think I have any more, Lynn, do you have any more?

THOMAS: There's just one question and you don't have to answer

this if you don't want to. Of course you don't have to answer anything you don't want to, but Tom has suggested that you killed a girl in California. Is that true?

SPAULDING: No, I never even seen a dead person before until

THOMAS: Till this thing up in Donnelly?

SPAULDING: These two, I never even seen a dead person. I don't know where he ever got that idea. Could I get that story, do you think?

REMAKLUS: Well, it would take quite awhile, I don't mind your skimming through it Carol.

SPAULDING: Yea, I'd like to see some of it, whatever it

REMAKLUS: Yea. You probably know most of it.

SPAULDING: Yea, but like when it says the middle of October he went to shoot some guy, I was with him then in the middle of October, I think. (unintelligible), September, October.

THOMAS: Let me ask you this. Were you with him all of the time from the time you met him in September until the time you were arrested?

SPAULDING: I always wasn't with him, you know, where I could see him all the time, but I was with him.

THOMAS: You were traveling together and things like that. So he couldn't have gone off to another state or another town without you knowing about it, is that right?

SPAULDING: Uh huh.

THOMAS: Did he ever do that?

SPAULDING: No, but like he was out a lot. Sometimes we would stay in motels and he would go out.

THOMAS: Well, I don't think I have any more questions, Bob.

REMAKLUS: Why don't you turn that machine off and then if we talk

THOMAS: Actually, probably if we are going to have any of it on, we ought to leave it on until we leave so that we make sure we don't miss anything.

PAUSE

REMAKLUS: Do you recognize any of that stuff?

SPAULDING: This is all sounds, something about his childhood.

REMAKLUS: He seemed to be fairly consistent on having an unhappy childhood.

SPAULDING: Yea, he did tell me, he said he (unintelligible)

THOMAS: Did he tell you why he did that?

SPAULDING: No.

PAUSE

SPAULDING: Are you going to be here in Nevada very long?

REMAKLUS: No, we've got to go back today, Carol. We have to go to San Francisco to get back to Boise. Long way around, isn't it?

SPAULDING: Yea, I guess. How come?

REMAKLUS: Well, there are just no airplanes out of here. We have to stay all night and catch the morning flight, and I have to be back in court tomorrow, I just can't wait, and Lynn's got some appointments, so we're going to have to get out of here today.

PAUSE

SPAULDING: Seems like he shoots a lot of people two times, huh

THOMAS: Yea, I noticed that. Does that mean anything to you in particular?

SPAULDING: No, just sounds kind of weird. Because he shot that one guy two times too, in the car.

THOMAS: Oh really, Bradford or Arnold, you mean?

SPAULDING: (unintelligible)

THOMAS: Yea, that's a good point, I hadn't noticed that, I mean I've noticed it, but really hadn't focused my attention on it. That's true.

PAUSE

SPAULDING: His Dad had a heart attack when he was visiting him, is that what he's saying?

THOMAS: Yes, I think that's what he's saying, I don't know whether that

SPAULDING: Yea, that's what he told me.

THOMAS: That's consistent with what he told you?

SPAULDING: Yeah, he said that someone in the prison it was their fault that his father died.

THOMAS: Did he say why it was somebody else's fault?

SPAULDING: He said they didn't get the medics, I guess.

THOMAS: Oh, did he talk about his father very much to you?

SPAULDING: Huh uh, that's all he ever told me.

THOMAS: Just that he died while visiting him.

SPAULDING: I thought maybe it was true and maybe it was not. Maybe he never even been in prison before.

PAUSE

REMAKLUS: Well, you got it all read, kid?

SPAULDING: No.

REMAKLUS: You know the lady that used to kind of be in charge out here at this place, moved to Cascade and bought a motel. She sold it and moved back. I asked that lady in there if she knew her, and she's a neighbor, so she's going to give her my regards.

PAUSE

SPAULDING: You sure are tall.

REMAKLUS: My Mother was almost 6 feet tall. How far are you?

SPAULDING: 34

REMAKLUS: Youre' going to get through it.

SPAULDING: Yea.

THOMAS: I might mention, Carol, just for your information, there are two lawyers who are representing Tom. They'll probably be coming down here wanting to talk to you.

SPAULDING: Who is that?

REMAKLUS: A man by the name of Bruce Robinson and he probably will have another man with him. Mr. Hower is no longer representing Tom.

PAUSE

REMAKLUS: Carol, how are you set up for cigarettes and stuff like that, do you

SPAULDING: I have a little bit. Could use some. (unintelligible) cash on travel.

REMAKLUS: I'll make arrangements to get you a carton. Kools, what do you want?

SPAULDING: Half kool's and half mentol Benson & Hedges.

REMAKLUS: That's a pretty tough order for me to remember.

SPAULDING: Okay. That's nice, this is my last pack of cigarettes.

THOMAS: Oh, that ought to come in handy then.

SPAULDING: Everyone has been bumming off me, driving me up the wall. They proved Tom sane, didn't they?

THOMAS: He was examined by a physiciatrist who said that he was, yes.

SPAULDING: I think that is unusual, I mean if he goes around killing people just for the hell of it, that seems that he has some problem.

THOMAS: Yea, well they don't mean that he doesn't have any problems, I'm sure, just that he is able to stand trial is what the real meaning of that report is.

PAUSE

SPAULDING: It's really a strange story, I wonder if it is all true.

THOMAS: Well, at this point, nobody really knows.

SPAULDING: Well he told me that Tommy was dead.

THOMAS: Tommy, that's his wife?

SPAULDING: His ex-wife. He said she died in a car wreck, the big liar.

THOMAS: So at least that part would not be

SPAULDING: But I guess she isn't (unintelligible)

PAUSE

TAPE ENDS

Persons present during taping: Carol Spaulding, Bob Pemaklus, Valley County Prosecutor, Lynn Thomas, Deputy Attorney General, State of Idaho.

EXHIBIT B

STATE OF IDAHO,
Plaintiff,
v.
THOMAS EUGENE CREECH,
Defendant.

AFFIDAVIT

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

CAROL SPAULDING, being first duly sworn, upon her oath deposes and says:

On or about Sunday, November 3, 1974, Thomas Eugene Creech and I left Lewiston, Idaho, hitchhiking.

About twenty miles out of Lewiston we caught a ride in an old green and white Buick 4-door sedan with two men named Bradford and Arnold. We drove through some small towns including Grangeville and McCall, Idaho.

After we left McCall, I was riding in the front seat of the car in the middle. Thomas Creech was sitting next to me. One of the men who had picked us up on the road was driving the car.

Just after we had passed through a small town, which I am informed and believe, was Donnelly, Idaho, the car was stopped because I had to go to the bathroom. I had just gotten out of the car when Thomas Eugene Creech shoved me

EXHIBIT B

STATE OF IDAHO, Plaintiff,	)	
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Just after we had passed through a small town, which I am informed and believe, was Donnelly, Idaho, the car was stopped because I had to go to the bathroom. I had just gotten out of the car when Thomas Eugene Creech shoved me

away quickly and immediately shot the two men, who were still sitting inside the car. At this time, both Thomas Eugene Creech and myself were standing outside the car. I was not aware before this occurred that Thomas Eugene Creech intended to shoot the two men.

The two men, Bradford and Arnold, were drunk and had been acting fresh toward me. Neither Bradford nor Arnold attacked me in any way. The man in the back seat had been kind of laughing and reaching up over my shoulders and putting his hands on me, but I moved off. Neither man made any attempt to rape me. Thomas Eugene Creech shot both men without provocation and without warning.

After the men had been shot and placed in a ditch along side the road, Thomas Eugene Creech started kicking the bodies around saying "fuck with my lady again, huh," or words to that effect. I was really scared. I said "Tom, why did you do it?" Thomas Eugene Creech said "just get in the car," that's all he said was just get in the car. We got in and started driving and later abandoned the car some distance down the road and hitchhiked into Boise, Idaho.

Tom shot the man that was driving the car first and shot the other man very quickly. The driver was just sitting there in the car at the time Tom shot him. The man in the back seat did not have time to do anything after Tom had shot the driver.

I did not see either man take a knife and hold it toward Tom at any time before the shooting occurred. I did not see any other guns or knives in the car, except for the gun which Tom used to shoot the two men.

After the shooting, I was frightened but the shooting did not even appear to bother Tom. After Tom shot the men he kept saying "Carol, I'd never hurt you, I'd never shoot you," because he knew that I was scared to death.

I had known Thomas Eugene Creech for only about two months prior to the time we were arrested. I first met him in Fresno, California at a carnival around the first part of September, 1974. I traveled with him by car to Kentucky and from Kentucky back to Lewiston, Idaho, where we stayed with my mother for a short time. It was after that stay that we began hitchhiking on the trip which I have described in this Affidavit.

Tom talked quite a bit during the time I knew him about being associated with bikers or motorcycle gangs, but I never saw him associate with anybody that I knew to be a biker or motorcycle gang member.

After we had hitchhiked into Boise, we stayed with Jim Marsh and his wife, who was about to have a baby. During the time we were there, Tom talked about the shooting near Donnelly with Jim Marsh. He told Jim that he had killed the two men and talked like it was something you do every day. I remember Tom used to tell me about killing people. I never believed him. Then when he did it I know I believed him.

After staying at Jim Marsh's house for a short period of time, Jim Marsh drove us to a rest stop outside of Boise where we hitchhiked with a man named Steven Paul Rivers. I did not know Steven Paul Rivers' name at that time, but I am informed and believe that such is the name of the person with whom we hitchhiked. We were with Steven Paul Rivers at the time we were arrested. When we were pulled over by a police car in Glenns Ferry, Tom had the gun with which he had shot the two men near Donnelly in his pants. When he seen that we were getting pulled over, he put the gun in my purse and it was taken from me after we were arrested. I believe that Tom stole that gun from my Mom's boyfriend in Lewiston. His name is Schreiber.

Further your affiant saith not.

CAROL SPAULDING

SUBSCRIBED AND SWORN To before me this _____day of September, 1975.

NOTARY PUBLIC for Idaho
Residing at
My commission expires:

AFFIDAVIT OF JUDY OGAWA

EXHIBIT G

State of Idaho)
) ss.
County of Ada)

I, JUDY OGAWA, being first duly sworn, upon my oath declare that:

1. I have been asked to prepare this affidavit by Assistant Attorney General, Ronald D. Bruce.

2. The following events occurred during the course of the performance of my official duties as a correctional officer employee of the Idaho Department of Correction on Thursday, August 7, 1975:

a. I escorted Carol Spaulding to the Juvenile Detention Center for the purpose of a hearing on the custody of her child. Upon arrival, Carol was met by her attorney, Mike Lee, who escorted her to a room where they talked in private for awhile before the hearing began. The hearing was delayed a few moments to allow Attorney Bruce Robinson to arrive from Nampa to appear in behalf of the alleged father of the child, Thomas Creech.

b. Shortly after Mr. Robinson arrived, he introduced himself to Ms. Spaulding, and requested he speak with her for a few moments after the hearing. At that point, Mr. Lee said he had a 3:30 court appearance and that he would either have to be there, or make a call now. He then suggested that Mr. Robinson accompany him to an office where they could talk.

c. After the hearing, which was continued to January 15, 1976, Attorneys Robinson and Lee took Ms. Spaulding to a room where they talked for some time. Just before our departure from the building, Mr. Robinson came over to where I was sitting and asked if I was the Officer assigned to Ms. Spaulding, and then introduced himself, and told me Ms. Spaulding would be subpoenaed to Creech's trial by the defense and State.

d. On the way back to Canyon County jail, I asked Ms. Spaulding what Mr. Robinson was questioning her about. She said "He told me if any police or anyone ask me any questions not to talk to them." I asked her, "Is that all?" She said, "No, a bunch of other stuff."

3. The above is an accurate description of the events I observed.

Dated this 11th day of August, 1975.

JUDY OCANA

Subscribed and sworn to before me this 11th day of August, 1975.

Notary Public for Idaho
Residing at Boise, Idaho
Commission Expires: 1-25-77

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Prosecuting Attorney
Valley County
P.O. Box 759
Cascade, Idaho 83611
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Deputy Attorney General
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Special Assistant Prosecutor
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ATTORNEYS FOR PLAINTIFF

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

STATE OF IDAHO, Plaintiff, v. THOMAS EUGENE CREECH, Defendant.	Criminal Case No. STATE'S SEVENTH RESPONSE TO DISCOVERY ORDER

The State of Idaho herewith states that the following additional response has been made to Defendant's request for discovery:

(A) Transcripts of interviews conducted by Oregon law enforcement officials and Gene Hilby, Becky Hilby and Linda Crandall have previously been furnished to Defendant's counsel, Bruce O. Robinson. These are:

1. Detective Frome, Portland, Ore. Police, with Gary Stockert, August 21, 1974;
2. Detective Rose and Detective Bladow, Portland Police, with Linda Lee Crandall, August 21, 1974;
3. Detectives Rose and Simpson, Portland Police, with Gene Hilby, August 21, 1974;
4. Detectives Frome and Bladow, Portland Police, with Linda Lee Crandall, August 24th, 1974;
5. Detectives Frome and Bladow, Portland Police, with Becky Hilby, August 24, 1974;
6. Detective Rose, Portland Police, with Thomas Wayne Ma[illegible]son, August 20, 1974;

7. Detective Rose, Portland Police, with Sidney J. Chichester, August 26, 1974.

(B) In addition, the State, by Lynn E. Thomas, Deputy Attorney General, interviewed Gene Hilby and Becky Hilby at Kelso, Washington on or about the tenth day of September, 1975. In substance, these individuals related the following additional details related to the murder of William Joseph Dean in Portland, Oregon and the murder of Sandra Jane Ramaamoog in Salem, Oregon:

A. Thomas Eugene Creech was brought to the Hilby's home in Portland, Oregon by Linda Lee Crandall about six days prior to September 20, 1974 and began staying there.

B. During the night of 15 August, 1974, Becky Hilby received a phone call from Thomas Creech to the effect that he was being attacked by "bikers" at St. Mark's Episcopal Church in Portland, Oregon and needed help. Mrs. Hilby relayed this informacion to her husband, Gene Hilby.

C. Gene Hilby believed Creech was in trouble and went to the church. He saw no bikes or other persons about but found Thomas Eugene Creech standing on a sidewalk near the church.

D. Thomas Eugene Creech then told Gene Hilby that he had been attacked by "bikers" who were still inside the church. Creech pulled up his shirt and displayed a scratch on his stomach which he said was a knife wound sustained in the alleged attack. Hilby had the impression that it may have been self-inflicted. The wound was superficial and not bleeding significantly. Creech asked Hilby if he had any weapon with him. Hilby had a deer rifle in his vehicle and Creech took

it, over Hilby's objection, and ran inside the church with it. Shortly after, Hilby heard a shot from inside the church.

E. Hilby then ran inside the church and found the body of William Joseph Dean who had been shot. No other person but Creech was present.

F. Creech was visibly undisturbed by the shooting. He was grinning when he exited from the church.

G. Following this incident, Creech ordered Hilby to move out of his house, threatening to have Hilby's wife and child killed by one "Freddie" if Hilby did not comply.

H. Hilby moved to another house. Later he gave Creech money and a handgun, saying to Creech that it was all he had and to "get out of my life."

I. Next, on or about 17 September, 1974, Thomas Eugene Creech went to Salem, Oregon and returned, telling Becky Hilby and Linda Crandall that he had again been attacked by bikers and had to kill someone (Sandra Jane Ramasamoog). Creech displayed a purported knife wound to Becky Hilby and Linda Crandall and stated that he had gotten the wound in an attack upon him. The wound was in the same place as the one previously shown to Gene Hilby and was superficial. There was no other fresh wound, although Creech was seen to have numerous scars on his body.

J. Thereafter, on or about 20 September, 1974, Creech was placed aboard a bus for San Francisco, California.

K. Creech appeared to have no remorse over the killing of Dean and Ramasamoog.

L. Creech often spoke of associations with bikers, although the Hilby's did not see him associate with anyone other than themselves and Linda Crandall.

M. Creech threatened both Hilbys with death and told them he had a friend named "Freddie" who would do his bidding.

(C) Linda Crandall has not been interviewed further on account of her unavailability to the State. She has been subpoenaed and is expected to testify consistently with the testimony of the Hilbys and the statements given officers.

(D) Thomas Eugene Creech stated orally to A. R. Mason, Idaho Department of Law Enforcement investigator, that the killings near Donnelly, Idaho, which are the subject of the present charge, were "cold-blooded murder" and that there was no reason for the killings of Arnold and Bradford. He further stated that "they ought to hang me" or words to that general effect. The statement was made during casual, non-interrogative conversation while Creech and Mason were sitting in a plane which had crashed in Nevada about an hour before the statement was made. The statement was made on or about the first day of May, 1975. The foregoing information was orally communicated to Defendant's counsel on September 22, 1975.

(E) Defendant's counsel has been furnished with a copy of a tape recording forwarded to E.C. Palmer by Thomas Eugene Creech in which the Defendant stated that his prior statements and interviews were voluntarily given and offered an explanation of the present crimes. Defendant's counsel copied the said tape on or about 16 September, 1975, and has also been furnished with a typewritten copy of the transcript of the said tape.

(F) Defendant's Counsel has been furnished with a copy of a letter from Thomas Eugene Creech to E.C. Palmer, received by

E.C. Palmer on June 9, 1975, stating that all statements previously made by Defendant to E.C. Palmer, A.R Mason and Dr. F. LaMarr Heyrend were voluntarily given. This document is transmitted herewith to Defendant's counsel.

(G) Defendant's counsel is herewith furnished with a copy of Defendant's letter to "Carmen" dated March 21, 1975.

(H) Defendant's counsel has been furnished with a copy of an undated letter from Ken Matthews to Defendant returning certain materials written by defendant including an explanation of "things that have taken place since my arrest," (typewritten), two verses praising "Satan," (handwritten), a "victory-defeat" diagram of doubtful meaning, (handwritten), a handwritten paper on the subject of "Satanic Cult: Witchcraft; Black Arts;" (handwritten), a one and one-half page paper beginning with the words "In my life of crime and drugs..." and signed "Thomas E. Creech," a note to "Ken," a letter to "Ken" dated May 29, 1975; a handwritten paper dated May 27, 1975 and signed "Thoughts of Thomas E. Creech," a series of handwritten pages numbered 1,2,3,3,4 including a note to "Ken."

(I) Documents on the attached "Receipt for Discovery Documents," signed by Sandra D. Thompson, secretary to Bruce O. Robinson, were delivered to Defendant's counsel.

(J) Copies of the files of the District Attorneys of Portland, Oregon and Salem, Oregon, concerning the deaths of William Joseph Dean and Sandra Jane Ramasamoog, respectively, were delivered to Defendant's counsel on the 22nd day of September, 1975.

(K) The criminal offense records of Linda Lee Crandall and Gene Hilby are transmitted herewith. The record inquiry shows no known criminal offense record for Becky Hilby.

DATED This 30 day of September, 1975.

ROBERT H. REMAKLUS
Valley County Prosecuting Attorney

LYNN E. THOMAS
Deputy Attorney General
Special Assistant Prosecutor

CERTIFICATE OF MAILING

I HEREBY CERTIFY That I have on the 30 day of September, 1975, served a true and correct copy of the foregoing STATE'S SEVENTH RESPONSE TO DISCOVERY ORDER and copies of the attached documents, by depositing copies thereof in the United States mail, postage prepaid and addressed to Bruce O. Robinson, [redacted] and c/o Dennis Wheeler, [redacted]

LYNN E. THOMAS
Deputy Attorney General
Special Assistant Prosecutor

RECEIPT FOR DISCOVERY DOCUMENTS

The following documents have been furnished and delivered to the undersigned, a representative of Bruce O. Robinson, Attorney at Law. Some of this material, it is understood, has been previously furnished to defendant's prior counsel.

Voluntary Statement of Johnny Hill	3-A-2
Voluntary Statement of Roy Hull	3-A-2
Report of Martin Maxwell	3-A-1
Statement of John Stewart	3-A-6
Interview of Creech by Bud Mason	3-B-5
Interview of Creech at Ada Co. Jail by Lt. Nobis of Missoula	4-A-1
Statement of Creech at Ada Co. Jail to Palmer	4-A-2
Taped interview between Creech & Captain Froelich	4-A-3
Taped interview between Creech & Cpt. Froehlick and Bud Mason	4-A-3
Interview between Creech & Sgt. Wm. Solorzano and Dep. James Solar	4-A-5a
State of Washington-- Interview of Creech by Det. Roger Dunn and photographs of the area searched	4-A-9
Voluntary statement of Steven Paul Rivers	4-C

Dated:
September 16, 1975

James D. Thomas

Tom,

Welcome back to Siegel's country.

The courts are getting you moved around about as fast as you used to move yourself around.

Copied the written material you mailed and here you have it back. Thanks and keep writing. Photographs will take an extra day or so to reproduce. Get them to you as soon as possible.

About the tape recorder, I'll have to see what I can do. My bosses are pretty tight about spending a buck sometimes.

Sheriff Palmer I think is prevented by court order from disclosing any information about you. Don't think he can give me what you have written about Satanism. Maybe you can get a copy and mail it to me yourself.

Also don't know what the situation will be for me to come up to talk to you. Hope I can.

Also, haven't received the pictures you mention, except for the one of you, your Grenlin and your daughter. Hope that isn't lost somewhere in the mail. Maybe I'll get it in the next few days.

Your latest writings make it clearer than anything you have said or written before why you killed the people you did. I do hope, though, you are still planning on keeping your promise to Sheriff Palmer that you won't escape from his jail.

The two new poems were interesting too. I liked "Busted" the best. Do you have other poems I haven't seen yet?

I am planning on taking a vacation the next couple of weeks but expect to remain in Boise most of the time to build some furniture and work in the garden. If not before, will be in contact with you when I return to work.

Ken

Ken Matthews

I was arrested November,8,1974 in Glenn's Ferry,Idaho for first degree murder. In these next few pages I'm going to tell of the things that have taken place since my arrest. I'll also tell of some of the people that I have met here in the jail. On the first night that I got busted along with my ole lady Carol we spent that night in the jail at Mountain Home,Idaho. We were questioned most of the night and I didn't make a confession untill the next morning. During the night they found out that I was Tom Creech and not Tom Turner as I had told them at the time of my arrest. When they found out who I really was and that I was wanted in other states for murder, it was only a matter of minutes before the small jail was swarming with news men. I made my confession to Wes Smith a state investigator from Valley co. I spent most of the next day talking to policeman and state detectives.Then Carol was taken to Cascade along with me to the Valley county jail. They decided that the old jail wasn't secure enough to hold me so I was transferred here to the ada county jail. Carol was put in the juvenile detention center in Boise since she was only 17 at the time we were arrested. I was put in the special custody of the sheriff of ada county. After I was transferred there police from all over the states started to come and question me about crimes committed that they thought I was involved with. I took a test of sodium penethol,truth serum, that helped clear up alot of things in alot of different states. Alot of people have asked me why I have given information about the crimes and murder's that I have committed. All I can say is I guess its my way of saying that I'd like to be helped. Plus it sure has saved alot

All of the people that I killed really deserved to die. At least in my eyes they did. Take what they were doing like all the bad drugs they were pushing to the young school kids. Look at all the parents thats had to watch there son's or daughters suffer in mental hospitals and if they were lucky death would take them. I mean at least in death you have a little peace. But walking around in some mental ward like a living zombie is really horrible. Not knowing who you are or where you came from. And it's alot worse on the unlucky childs parents. They have to just stand and watch there child like that not being able to do nothing. Every year theres thousands of kids that suffer from bad drugs and most of them either lose there minds or like I say if there lucky they die. I really can't understand why people stand for all this and the death of there children. So maybe by reading these next few peges you can understand the reason for my killing's. I've never killed for the fun of it or because I liked to see people die. I always had a reason of my own. Even on the contract killings that I done. If I couldn't justify a killing then I wouldn't do it. Since I been here in jail I've done my very best to help the police clear up alot of cases. I've even went to several different states and showed them where to find the bodies of people that I killed. Some say all that I'm doing is hanging myself,well if I am then it's my own fault. I'm just doing what I think is right. I've became friends with most of the guards here and most of them seem to understand me. I can say one thing and that is I've never been treated so good in a jail. I've found that if you treat the people here good they'll do the same for you. One of the questions I seem to be asked most is don't it bother you being a killer/?

First of all I'm not really as cold-hearted as people may think. I do think about the people that I have killed and it does make me feel bad sometimes. The only killing that I'm really sorry for is Jane, the girl in Salem, Oregon. But the only reason that I'm sorry is because she was a girl. Other than that she was just another doper destroying the lives of alot of innocent kids. Another question that I have been asked is how do I justify killing some dopers and not others. Well the dopers that I have killed were dopers that used drugs to get to people that they wanted to use. Like getting some young runnaway girl strung out on herion and then make her sell her body to pay for her next fix. I also killed dopers that force the drugs to young kids and get them hooked so that they will keep buying so they can have steady money comming in. Also the dopers that sell bad dope that kills alot of people. The people that sell dope to only the people that want to take it, I can reason with. But theres very few of those kind of dopers left now. It's sell all the dope you can now and cut it as much as you can so you can make more money. No matter how many people that they kill. Well anyway after I came here to the ada county jail alot of things has happened. Some of the things no doubt will change my life. For one thing I'm now in the process of getting a divorce from my wife Thomasine. It is really a great loss to me because I know that she was probably the only girl that ever truely loved me. But it is too late now to show her just how much I really cared for her. I think that she probably knows down deep inside that I really did love her.

I've been here at the ada county jail for almost six mont's. Since I've been here I've had alot of time to think and to make plans for the future. I know and so does everyone else that the only way I'll ever be free again is to escape. I hope that someday I'll be able to althou I haven't got any plans for the near future. I've already tri a few times from here but have failed all the times I have tried. The attempts were more like test than for the real thing. I do know that when I go that the only way I'll ever come back is to be shot, or killed. When and if I do ever escape it will be my last bid for freedom. For I've already been told that if I do escape that a shoot on sight will be put in effect. But I'd rather die on the outside than in a prison cell. This is April,19,1975 and my time is getting very short. When I make my try I must not fail or it will be a long time before another chance will come. These are probably some of the last thoughts that I will ever have or be able to relate to any body. I've already lost Carol through this mess and I will lose alot more before it's all over. If I do escape and get away I plan on leading one of the biggest revolutions that the states has ever known. It will be for the freedom of my people and for the rights that we have but cannot practice. I'm not saying that I'm going to cause alot of trouble but only that I think it's time that someone makes a stand for our freedom of all our rights. I also think that It's time that all americans and all other citizens of the United states starts taking action instead of alot of talk. We're so busy looking after others that we are forgetting our own. So I think that it's time we do something.

AND IT IS WRITTEN THAT MEN WILL BE CALLED TO DO THE WORK OF SATAN.

LORD OF LORDS, KING OF KING OF KINGS

THE MIGHTY LORD SATAN PINCE OF THE DARKNESS. HAIL SATAN! HAIL SATAN! HAIL SATAN!, SHEHAM FORASH!!

SHEHAM FORASH!

SHEHAM FORASH!

AND IT IS WRITTEN THAT ALL THOSE WH GIVE PRAISE TO THE LORD SATAN, SHALL REIGN WITH HIM IN ALL HIS POWER AND GLORY FOR ALL ETERNITY. AND LET NOT THE WEAK AND MORTAL MEN CONQUER, BU THE STRONG AND HIS GRACE THE MIGHTY AND GLORIOUS LORD SATAN. HAIL SATAN HAIL SATAN, HAIL SATAN, SHEHAM FORASH!

SHEHAM FORASH!

SHEHAM FORASH!

Peace? War?

Reality? Fantasy?

Innocent? Guilty?

Life? Death?

Cry? Scream?

Truth? Lie?

Happy? Sad?

Gun? Knife?

Right? Wrong?

Police? Convict?

Hunted? Huntin?

Day? Week?

Month? Year?

Gentle? Violent?

Friends? Enemie?

Light? Dark?

Victory? Defeat?

Love? Hate

Freedom? Prison?

Thoughts of one day!

Boise Idaho USA Co. Jail

Thomas E. Creech
v.
Carl M. Spaulding

Subject: "Satanic Cult": WITCHCRAFT; BLACK ARTS:

People fail to realize all of the cults are somehow related. Also that E.S.P., Clairvoyance, mental telepathy etc. all works ~~times~~ around the cults. There are many rituals that are performed at different times and some every day. I've been into the Satanic Cult since I was 15 yet I still don't fully understand it, or its purpose. In my own words I can't really explain the rituals that are performed. For one thing I'd be breaking a sacred oath that I firmly believe in. But in the next few lines I'll tell + explain as much as I can. Sex plays a great part in the cults and as you read you'll see why. On the cult there exists a ~~sexual~~ special bond between the mind and the spirit of the world of animals and also plants. It was this witchcraft, magic, and Satanic Worshiping men explores and exploits this bond. Possession by a Satanic or sacred creature from any cult, is a sign of power, grace + Royalty. The possessed person absorbs the power + qualities of the inhabiting spirit. For instance if one takes the form of an owl, he would have wisdom, and night vision. Satan always moves between the world of the animals and of man. He is the master of metamorphosis. Satan usually takes on the form of a Judas goat. Satan's witches take the form of wolves or owls to avoid capture by mortals.

(#1. Page 35 Paragraph 2)

(over)(cont)

(

On the witches holy day or ritual day, or sabbat
it begins at midnight beneath a full moon. Even
the coven arrives on flying stick or are carried
by imprisoned demons. Mostly in the form of goat
Clothing is always taken off at the beginning of
the ritual. The naked flesh is considered pertinent
to raise the life forces that make magic work.
Satan's witches always renew their pact with
him by kissing his ass and telling of their sins
and prove their obedience. The Black Mass to Wot
takes place within a circle of stones, with
bodies covered with sacred oils and by the
familiars. This is a vital aspect of the Sabbath
So before morning Satan will bless us with
each series before down. At the ending of the
ritual is a sexual orgy. It an expression of
the creative force generated by the cult.
After this all witches who has broken their pact
with Satan are carried away, mind body, soul
on black horse to suffer Eternal damnation.

Reading now Satanist all believe that a mass
serves the forces of good or evil. The Black mass
in which all of the rites of the ritual are inverted
A child, can save evil.

In my life of crime + drugs I've saw alot
If I could ever tell people of all my experiences
I really would like to. I think by my testimony
or life story that, though it ordary will be helpful
and will stop + look before it's to late. One
thing I'd like to tell is that I've used every type
of drugs there is. And through my experiences I've
found these things. Drugs suppress, depress and dull
your ability to think for function right. But over
of all they kill + destroy. Now one thing with all take
and all alike, no two, wife, husband or garbage of how
we the case. If you are on that is trying drugs ju
ask yourself why? And what do you get out of it
Nothing but a dulled mind and sometimes death.
I'm fact many times. You buy one joint of weed
what it be, well rolled or like it comes be one
bit of acid, one onnce of coke + finally one bit of
(Barbed Heroin) Then you find out you're hooked
and can't get off. Worst of all you're afraid to
tell anyone about it. So you need money for your
habit, but it begs getting harder to get. So you turn
to crime. After that you get caught + go to prison.
Then you lose self respect + become victim of society.
I had a friend once who found the truth about drugs
Because of drugs his life last been ruined. So he
went + not to his friends + killed himself. In
his letter he said I wanted to live. Only this way
better because I won't be afraid of what I may
do. Maybe he'll find what he was looking for
and finally find peace.

By his letter he indicates he had lost hope. H
last one felt drugs was the answer to his proble
But he later found it only made them worse. H
was wrong to kill himself in search of peace. For
was really just a way to escape and not face the
real world. And that's what has it done to his fami
Well! The answers to our problems is not drugs
Look where it has led me to in life. In jail
facing murder charges & maybe the death penalty
So I say to you now if your taking drugs.
seek help from someone to help you.

By:
Thomas E Creech

Ken,

Please RETURN These things AS SOON AS POSSIBLE. Let me KNOW WHAT you THINK? Also enclosed are some more Pictures of my daughter one of me as a baby!

Tom

May, 29, 1975

Hi Ken,

Got the stuff you sent me + I'm getting my articles together to mail to you! Have you recieved the pictures yet? I'm enclosing a couple more, and the one of my car, and it's condition after a shoot + class. Hope you can read my writing cause I'm without a typewriter now. Do the pictures be sure + send me back negatives. About Judge Dunlock he's going to be off my case pretty soon + I'll have another Judge. But I told him in Court that it was not Chuck Palmer's fault or yours. The things I'm sending you are in different parts so I hope they alright. I'll be also sending in a few days the 2nd part of my life story. Along with several copies of the past.

Sheriff Palmer has an article on Television that I wrote, so if he will you can have a copy of that. Enclosed also is thoughts by myself & a few more poems. Take Care & WRITE Soon. Hope to see you real soon. Oh! Can the Statesman track available to me a tape counter & about 20 tapes. I can really do some good on filling in on spots I sure went into on my story. Then you can have the tapes to work with.

Respectfully
Your Friend,
Tom
Crouch

(1)

5-2775

Do I sit here tonight in my cell, I think of all that has happened in my life. Sometimes I cannot believe all that has taken place. I know that I'm here because of my loyalty to those I love & Church. Most of these crimes that I'm charged with I'm really not and I admit I done wrong. But nobody who has ever been a part of my life & stood my test can say that I didn't stand for them. I have never turned on anybody unless they turned on me first. There's so much I'd like to say and do, but so little time left. That's why I'm writing this down for, because after I'm gone then maybe someone who reads this will understand. I talked tonight with Geoff Mitchell & I'll be real pleased to give him a kiss once on the cheek and as me.

But in time I took the right turn + made it the hard but right way. As for myself I was to far gone to make the turn I had missed. But in time I was doing the same as him + those of the lab officers. I guess I got caught in a revolving door situation. People like the sheriff would catch the crooks, the courts and a fancy lawyer would let them go. But in some cases the con was not always so lucky he was into me + my friend by death. I know murder is wrong, and there really no excuse no matter what it is. But pushing drugs to young kids is alot worse in my eyes. Drugs to get young girls strung out on it into selling to pay for their next fix. Yes drugs that destroys young minds of kids, who could like the doctors, lawyers, professors, + name it (cont #2)

5-27-75

Then there are those who are lucky and die. Or those who find out that drugs don't solve it's ok. And don't think I'm getting on on particular cultures case. Not all people with long hair are hippies + drug users + queers. And not all dopes have long hair + wear a new style of clothes. If the older generation would only listen to the cry of the young. And vice-versa, if only the young would listen to the older ones. What we have in this world now is a lack of communication, a lack of responsibility, and a lot of a lot of other things. Nobody wants to hear what the other man has to say. Look at the children today. They don't care about nothing. Why? Because their parents are setting that example for them. Kids fights if Mom + Dad can go out + get drunk, then why can't

they go out + get high. The children of today are going to be the babes of tomorrow. So you ask how we get things together. Well for one listen to what others all today to say. It's time we get organized or it's gonna be too late.

Thoughts of Amos E. Creech

(1) (8)

Tonight is a sad night + there many
sad nights to do. Like many other
sleepless nights, I think of my past, and
also the present + future. Of my past I
remember growing up back in Ohio, and
how I was different I was like all
the rest. But I'd stand up for what
I thought was right. As late I learned
I should've made amends. But
now the fact was I was wrong. My Dad
always told me you get a feeling when
you're doing right. Well I've always
done that + so far in my life it's
proved true. Some my words about
my life and who they might! Well
I've killed people. The people I killed
were enemies to my eyes, but I did
not want the love of our lord, and
the people I killed were
all last enemies

(over)

5-27-75 (2)

But that is still no valid reason to take the life of another human being. At least not to most people, but to me it was reason enough. I have seen what drugs can do & I know the effects and how eventually they destroy you. I've watched alot of my friends become disabled or even die. And also people that are closest to me & ones I love deeply. But I've seen there's alot of parents just like and other people who's stood by and watched as drugs destroyed their loved ones. I had to watch my precious little wife, be destroyed by drugs. But maybe it's because of just the way I am, I started getting angry. It is our courts that are to blame not our law men. The police do their job & the courts make fools of them by freeing the criminals over.

cont'd

5-27-75

(3)

But not on because I did what had to be done. and now I stand alone for my so called wrongs. But it don't really matter no more. But at least I got some of the bastards. And believe me there's more than one Town Couch out there. and they won't rest until there's no more Dopers pushing drugs to the weak + innocent. Many years ago I made a pact with Satan, and now he's coming to collect + be paid in full. So now as my mind is being taken away I can only sit + do nothing. My battles have been many, my wins are few + my losses are great. And as long as there is one soul imprisoned by drugs, then I cannot rest or be truly free. So for as long as I live may my battle be for something + not for nothing.

END

③(cont)

Ken,

The jail here ain't to bad but I like Ada Co. better & I'm trying to get back there. The Sheriff here is alright & we get along fine. He's pretty busy so we don't have time to talk. The word you ask about is a clint. If you get that article from Sheriff Palmer it pretty well explains. If not I'll make another for you.

Tom

P.S. I'm sure arrangements for you to see me can be made. I'll request that I can. If necessary I'll get a court-order.

Tom

P.S.S. Also enclosed is a pitrial proceeding. Plase run copies off of all material & send me back Originals. Plus extra copies?

There is many who haven't not the way! Who will lead them? There are many that are troubled! Who will help them? There are many who are lost! Who will find them? To these Questions the answer is you. The answer is each man, woman & child that is alive. We must all face our responsibility of helping our fellow man, to guide, and to help each other each of us all wants. Peace, Happiness, Love, & Freedom. Think about it, what you sow, you will be your life.

Thomas
E.
Crutch

20/

(1)

March, 21, 1975
Friday

Dear Carmen,..

I've been wanting to write you for some time now, so I decided I'd write now. I got some divorce papers today + it stated in 4 weeks mine + Donnie's final divorce would be granted. I guess you hate me for all that I've done, but I hope I can explain why. All the people I have killed deserved it. I killed the 2 guys in Tucson, Arizona that raped Donnie. And also the guy that took Donnie away that time in San Francisco. And I got all the filthy people who used her and caused her 4 mo. Jail. Most of the other people I killed were all big addicts and people who pushed bad drugs. People who gave innocent girls like Donnie drugs, that make them jump out windows.

over ↓

RECEIVED
SHERIFF'S OFFICE
MAR 24 1975
ADA COUNTY

I know you may have reason to doubt me, but just ask Tommie or call the sheriff here + ask him. The only person I didn't kill was Jim Cain the guy who raped her when I got arrested on that murder in Algona. But only cause I couldn't find him. I really loved Tommie + I still do, but I'd rather she didn't know. I had to stand by and watch while Tommie suffered and the last time I saw her she told me to leave. After that I decided to get as many of the people who destroyed the only person who ever really loved me. Now it's all over + there's no more I can do except say I'm sorry, my life is finished + I'm glad that real soon I'll find peace + suffering no more. Have people who want to write books on me + even who will pay pretty good. Time magazine also wants to write some articles.

(Mark Pl)

RECEIVED
SHERIFF'S OFFICE

So as soon as I start getting money for them I'll send what you got me. I'll also send money for Tommie but you can tell her it's from you. I'd appreciate a picture of Tommie so I can look at it + say once she was my wife. It will be all I have left of her except for memories, so I beg of you please send me one. I'm sorry I let you down + I hope you will not forget me. My trial starts June May 20th + they asking for the death penalty. If that's what I get I won't appeal it, only I'll ask to be executed at the earliest possible date. Take special care + give Jim, Jean, Pat and all my love. If you see Tommie give her a hug + kiss and tell her it's from someone who cares. I'll always remember you as my beautiful mother-in-law.

All my love
always
Jimmie
Tom

RECEIVED
SHERIFF'S OFFICE

(1)

Rec'd 1:38 pm 6/9/75 [illegible]

RECEIVED
SHERIFF'S OFFICE
JUN 9 1975
A.M. P.M. 4:30
ADA COUNTY IDAHO

Sheriff Palmer:

Sir,

I'm writing this letter in regards to the following.

To Whom it might Concern:

I Thomas E. Couch make this statement free + voulintarily and of my own free will. Without any threat or promise of any nature. All "statements" that I, Thomas E. Couch, have made to the following people, was made without threat or promise + of my own free will. This relates to any + all statements I have made in the past, "with and without" defense counsel present. E. C. Palmer - Sheriff, Ada county, Bud Mason - Investigator, State of Idaho, and Dr. Hayrand - Doctor + psych.

Respectfully,
Your Friend,
Tom Couch

HARL HAAS, District Attorney for Multnomah County
600 County Court House, Portland, Oregon 97204, Telephone (503) 248-3162

CHIEF DEPUTY
J. Gary McClain

CIRCUIT COURT DEPUTY
Robert S. Gardner

DISTRICT COURT DEPUTY
Frank L. Bearden

SENIOR DEPUTIES
Charles H. Kokes
Harold J. Blank
Michael D. Schrunk
Dale W. Conn
Forrest N. Rieke
Kimberly C. Frankel
Betsy Welch
Gregg A. Lowe
Charles W. Carneso
David L. Hattrick
William W. Youngman
J. Bradford Benziger
Gary W. Gleason
Stanley E. Weber
John C. Bradley
Joel E. Grayson

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William Y. Sagahino
Terrance C. Hunt
Robert W. Dewey
Dale R. Koch
James M. Gleeson
Wayne C. Pearson
Wendell Birkland
Herbert C. Sundby
Kenneth J. Keller
Thomas C. Howes
Bruce L. Byerly
John C. Ray
Roger G. Weidner
Charles J. Wiseman
Leodis C. Matthews
Mary Martha McNamara
John C. DeWenter
Jane L. Wiener
Kent E. Studebaker
Baron C. Sheldahl
Roscoe C. Nelson, Jr.
Marilyn A. Curry
Jane E. Angas
Jody Stalnaker
Michael D. Walsh
Roger A. Hennagin
Craig C. Murphy
Judy D. Snyder
John A. Wittmayer

September, 25, 1975

RECEIVED
SEP 29 1975
ATTORNEY GENERAL'S OFFICE
Criminal Division

Mr. Lynn Thomas
Deputy Attorney General
State House
Boise, Idaho 83720

Dear Mr. Thomas:

I'm sorry this is late in being sent, we've had a minor break-down in police records! Enclosed is everything you needed, I hope, if not, please don't hesitate to call again, and I will do what I can. If Mr. Grayson is not available, I am, if you need any further information or assistance. Good luck.

Sincerely yours,

Patricia Levang
Legal assistant

lm/PL

Gene Hilby DOB: [redacted]

DAPC

[redacted]

Director: Mr. Les Berkenmeier

[redacted]

Becky Hilby DOB: [redacted]

[redacted]

Linda Crandall DOB: [redacted]

Methadone Project

[redacted]

Patti Levang, Legal Assistant: 503-248-5022

Will Call
Betty Pate
Unpack

```
        PAGE 001 OF 010
ON.15402

    15402
 *HIT* TRUE NAME                    OFI
*HILBY,GENE ALVIN                  OR0260200
 CRS-NO  S R NT    DOB    HGT WGT HR EYE
0001540Z M W     021948   600 150 BR BLU
SID OR       FBI       SOC
3255395    413815F   541564565
MNU FDP 58697
AFP / O/I 5/17 U/U III/GII 12/3*F/N:
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Rap on Gene Hilby follows this sheet

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        PAGE 002 OF 010
    OLN          OLS OLY   DOE   STE
287695           OR      052072  OR
MNU/   FDS-70-415
ADDRESS RECORD(S)
ADR/  DATE 0175  OFI OR0999600
  0219 SW SEYMOUR              CT
   PORTLAND                   OR
ADR/  DATE 0175  OFI OR0999600
  1312 NE  75TH                AV
   PORTLAND                   OR
VEHICLE RECORD(S)*F/N:
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        PAGE 003 OF 010
VEH/  DATE 0774  OFI OR0260200
    LIC   ST YYR MAKE  MOD  STL  COLOR
  EG0702   OR 71  FORD  TK   PK
LIY   LIT         VIN
74    PC    F25YRX07803
ASSOCIATED  DATE 0774  OFI OR0260200
VEH/  DATE 1274  OFI OR0260200
    LIC   ST YYR MAKE  MOD  STL  COLOR
  9638111  OR 56  OPEL       SW  GRY
LIY   LIT         VIN
76    PC    UNKNOWN*F/N:
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        PAGE 004 OF 010
ASSOCIATED  DATE 1274  OFI OR0260200
VEH/  DATE 0575  OFI OR0260200
    LIC   ST YYR MAKE  MOD  STL  COLOR
  NEW550   OR 66  FORD       4D
LIY   LIT         VIN
76    PC    UNK
ASSOCIATED  DATE 0575  OFI OR0260200
ARREST RECORD(S)
ARS/  DATE       OFI       CASE
    082471  OR0260200 7112516
    ARREST NUMBER  7112516A*F/N:
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        PAGE 005 OF 010
CNS DUIP OR*DRIV LIC ANOTHER
DIP CIT #LS03743 & 44 REIF
ARR/  DATE       OFI       CASE
    082471  OR0260200 7112516
    ARREST NUMBER  7112516
NO WARR FED-J WAL
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Case No. 2165 Inst. No. ____
Filed 11:00 A.M. ____ P.M.

NOV 05 1975

J. W. CRUTCHER, Clerk of the
By Barbara M. Bass Deputy.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

FILED

NOV 3 1975

E. W. Crutcher Clerk

STATE OF IDAHO, Plaintiff, v. THOMAS EUGENE CREECH, Defendant.	Case No. 2165 may a bail FINDINGS, CONCLUSION AND ORDER

The defendant's motion to suppress his statement of 8 November, 1974, came on before the court for hearing before trial on the 3rd day of October, 1975, in the courtroom at Wallace, Idaho.

The court heard evidence in support of and in opposition to defendant's motion to suppress and makes the following findings:

1. From the time of defendant's arrest until and including the time of giving the said statement, the defendant was alert, coherent in speech, purposeful in his behavior and responsive to questions put to him; he was fully in possession of his powers of thought and reason;

2. Prior to any interrogation and prior to the giving of the said statement, the miranda warnings were fully and completely given to the defendant.

3. The defendant understood the miranda warnings given to him.

4. The defendant waived the rights to remain silent, to consult with a lawyer before making any statement, and to have a lawyer present during questioning.

5. The said waiver was knowingly, intelligently and voluntarily made inasmuch as the defendant understood all of his rights, realized that any statement made would be used against him and waived his rights to silence and to the advice and presence of counsel without any promise of reward or consideration and in the absence of any threat or coercion; the defendant was aware of his actions and purposeful in his decision to waive his rights; the defendant comprehended and understood what he was doing.

6. The defendant reads and understands the English language and is of average intelligence as indicated by his ability to understand and respond to questions.

WHEREFORE, The court concludes that the defendant's subject statement was knowingly, intelligently and voluntarily given without threat or promise and is not subject to exclusion on the ground of involuntariness.

The Defendant's motion to suppress is therefore DENIED.

DATED: Oct. 3, 1975

J. RAY DURTSCHI
District Judge

STATE OF IDAHO
COUNTY OF ADA } ss

I, [redacted], Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, do hereby certify that the foregoing is a true and correct copy of the original on file in this office. In witness whereof, I have hereunto set my hand and affixed my official seal this 3d day of Oct 1975

[redacted] Clerk

By [redacted] Deputy

ROBINSON & JONES, P.A.
Attorneys at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

no copy
FILED
A.M. ..... P.M. .....
NOV 3 1975
I. W. ..... Clerk
BY Mary A. ... Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * * * *

STATE OF IDAHO, Plaintiff, -vs- THOMAS EUGENE CREECH, Defendant.	Case No. 2165 **MOTION FOR NEW TRIAL**

COMES NOW the Defendant, by and through his Counsel of record, and hereby moves for a new trial based upon the following grounds, to-wit:

1. For the denial to dispense with the jury and try this matter to the Court;

2. For allowing the jurors to be challenged and dismissed for cause, based solely on their non-belief in capital punishment;

3. For denial, after the offer of proof, to go into testimony regarding the admission of the "Satanic Bible" and the giving of testimony of clergy, and others, on the realism of God and the existence of Satan;

4. For the denial, after the offer of proof, of permitting testimony of the polygraph examiner and the results of his polygraph examination.

This Motion is made and based upon the complete records

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

and files in this action.

Dated this 31st day of October, 1975.

ROBINSON & JONES, P.A.

By: _____
BRUCE O. ROBINSON
Counsel for Defendant

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

ROBINSON & JONES, P.A.
Attorneys at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED
NOV3 1975
CLERK

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * * * *

STATE OF IDAHO,
Plaintiff,
-vs-
THOMAS EUGENE CREECH,
Defendant.

Case No. 2165

MOTION FOR APPOINTMENT AS COURT-APPOINTED COUNSEL

COMES NOW BRUCE O. ROBINSON, Esq., Counsel for the Defendant in the above-entitled action, and hereby moves the Court for his appointment as Court-appointed counsel for the Defendant for all further proceedings; or in the alternative, for appointment of other counsel.

This Motion is made and based on the files and records of this action, and upon the Affidavit filed concurrently herewith.

Dated this 31st day of October, 1975.

ROBINSON & JONES, P.A.

By: BRUCE O. ROBINSON
Counsel for Defendant

BRUCE O ROBINSON · ATTORNEY AT LAW · P O BOX 8 · NAMPA, IDAHO 83651

COPY

ROBINSON & JONES, P.A.
Attorneys at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

NO. _____
FILED
A.M. _____ P.M.
JUN 3 1975
CLERK
MARY A. HILL
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * * * *

STATE OF IDAHO,
Plaintiff,
-vs-
THOMAS EUGENE CREECH,
Defendant.

Case No. 2165

AFFIDAVIT IN SUPPORT OF MOTION FOR APPOINTMENT AS COURT-APPOINTED COUNSEL

STATE OF IDAHO)
) ss.
County of Canyon)

BRUCE O. ROBINSON, after being first duly sworn, deposes and says:

That he is counsel of record for the Defendant in the above-entitled action, and makes this Affidavit in support of a Motion for Appointment as Court-Appointed Counsel, filed concurrently herewith.

That your affiant has been in representation of said Defendant since the 6th day of June, 1975, having initially been contacted regarding said representation on the 30th day of May, 1975.

To this date, your affiant has spent approximately 1,040 hours in representation of said Defendant, and has expended approximately $11,015.16 in expenses in the defense. That no fee nor reimbursement of any kind has been paid by the Defendant in

BRUCE O. ROBINSON - ATTORNEY AT LAW - P. O. BOX 8 - NAMPA, IDAHO 83651

this action to your affiant, and it is not anticipated that said Defendant will be able to pay any sums for fees or reimbursement of expenses in this matter.

That the Defendant is still in need of representation in several matters including, but not limited to the following:

(1) Presentation of Motion for New Trial;

(2) Opposition to extradition proceedings from Oregon, and possibly Nevada;

(3) Preparation of record for appeal;

(4) Preparation of Briefs on appeal;

(5) Presentation of argument on appeal before the Supreme Court.

That your affiant cannot practicably afford the costs of appeal, nor to expend the time necessary for further representation of the Defendant without reimbursement for his time, efforts and expenses.

Your affiant therefore requests that he be appointed by this Court as counsel for the Defendant, or in the alternative, that other counsel be appointed to represent said Defendant.

Further your affiant sayeth not.

BRUCE O. ROBINSON

SUBSCRIBED and SWORN to before me this 31st day of October, 1975.

Notary Public for Idaho
Residence: Nampa, Idaho

(SEAL)

BRUCE O. ROBINSON ATTORNEY AT LAW · P. O. BOX 9 · NAMPA, IDAHO 83651

ROBINSON & JONES, P.A.
Attorneys at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

COPY

NO. _____
FILED
A.M. _____ P.M.
NOV 3 1975
_____ Clerk
MARY A. HILL
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * * * *

STATE OF IDAHO,
Plaintiff,
-vs-
THOMAS EUGENE CREECH,
Defendant.

Case No. 2165

MOTION TO SET ASIDE VERDICT

COMES NOW the Defendant, by and through his Counsel of record, and hereby moves the Court for an order setting aside the verdict rendered by the jury herein and arresting judgment upon said verdict upon the basis that the statute enacted by the Legislature in the State of Idaho making the death penalty mandatory on the conviction of First Degree Murder, is unconstitutional. That the same is immoral, discriminatory, and cruel and unusual punishment, all contrary to the guidelines set down in the U. S. Supreme Court case of Furman v. Georgia, 408 U.S. 238, 33 L.Ed.2d 346, 92 S.Ct. 2726 Reh. Den., 409 U.S. 902, 34 L.Ed.2d 163, 93 S. Ct. 89 (1972).

Dated this 3rd day of November, 1975.

ROBINSON & JONES, P.A.

By: _____
BRUCE O. ROBINSON
Counsel for Defendant

BRUCE O. ROBINSON · ATTORNEY AT LAW · P. O. BOX 8 · NAMPA, IDAHO 83651

ROBINSON & JONES, P.A.
Attorneys at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

COPY

NO. _____
A.M. FILED P.M.
NOV 3 1975
CLERK
MARY A. HILL
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * * * *

STATE OF IDAHO,
Plaintiff,
-vs-
THOMAS FUGENE CREECH,
Defendant.

Case No. 2165

NOTICE OF HEARING

TO: The Clerk of the above-entitled Court; LYNN THOMAS, Deputy Attorney General, and ROBERT REMAKLUS, Prosecuting Attorney for Valley County, Idaho.

NOTICE IS HEREBY GIVEN that the following listed Motions made by the Defendant, will be called up for hearing before this Court in the Courthouse at Boise, Idaho, on the _____ day of November, 1975, at the hour of 3:30 o'clock P.M., or as soon thereafter as counsel can be heard.

Said Motions are as follows, to-wit:

Motion for New Trial;

Motion to Set Aside Verdict

Motion for Appointment as Court-Appointed Counsel.

Dated this 3rd day of November, 1975.

BRUCE O. ROBINSON
Counsel for Defendant

BRUCE O. ROBINSON ATTORNEY AT LAW P O BOX 8 NAMPA, IDAHO 83651

ORIGINAL COPY

ROBINSON & JONES, P.A.
Attorneys at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED
APR 1 1976
J. W. Crutcher Clerk
Mary A. Hill Deputy

IN THE DISTICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * * * *

Supreme Court No. 12224

STATE OF IDAHO,

Plaintiff,

-vs-

THOMAS EUGENE CREECH,

Defendant.

Case No. 2165

NOTICE OF APPEAL

TO: The Clerk of the above-captioned Court; the Plaintiff, STATE OF IDAHO, and its counsel of record, LYNN A. THOMAS, Deputy Attorney General, State of Idaho, and ROBERT H. REMAKLUS, Prosecuting Attorney for Valley County, State of Idaho.

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the Defendant, THOMAS EUGENE CREECH, does hereby appeal to the Supreme Court of the State of Idaho, from that certain Judgment made and entered in the above-entitled court and cause on or about the 25th day of March, 1976.

This appeal is taken from the whole of said Judgment and is taken on questions of both fact and law.

DATED this 29th day of March, 1976.

ROBINSON & JONES, P.A.

By: BRUCE C. ROBINSON
Counsel for Defendant

SUPREME COURT OF IDAHO
FILED
APR 15 1976
Joyce
Clerk

NOTICE OF APPEAL

ROBINSON & JONES, P.A. - ATTORNEYS AT LAW - P.O. BOX 8 - NAMPA, IDAHO 83651

COPY

ROBINSON & JONES, P.A.
Attorneys at Law
P. O. Box 8
Nampa, Idaho 83651
Phone: 466-9284

FILED
A.M. ____
DEC-2 1975
By Mary A. Hall

IN THE DISTICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

* * * * *

STATE OF IDAHO, Plaintiff, -vs- THOMAS EUGENE CREECH, Defendant.	Case No. 2165
	NOTICE OF APPEAL

COMES NOW the above-named Defendant, THOMAS EUGENE CREECH, by and through his Counsel of record, and gives Notice to the State of Idaho, pursuant to Idaho Code 19-2806, of the Defendant's Appeal of that certain Order dated November 4, 1975, denying Defendant's Motion for a new trial and his Motion for appointment of court-appointed counsel.

Dated this 1st day of December, 1975.

ROBINSON & JONES, P.A.

By: _____
BRUCE O. ROBINSON
Counsel for Defendant

SUPREME COURT OF IDAHO
RECEIVED
MAR 1 1976
R. H. YOUNG, Clerk

COPY

Case No. _____ Inst. No. _____
Filed _____ A.M. _____ P.M.

JUL 29 1976
J. W. CRUTCHER, CLERK
By _____ Deputy.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF VALLEY

Supreme Court No. 12224

THE [illegible]

Case No. 2165

ORDER EXTENDING TIME FOR REPORTER'S TRANSCRIPT ON APPEAL

THOMA[illegible]

[illegible]

[illegible] Therefore, it is hereby ordered that [illegible] Appeal of the above-entitled court, have [illegible] days to complete the transcript on [illegible] entitled matter.

[illegible]day of July, 1976.

District Judge

FILED
JUL 12 1976
SUPREME COURT OF IDAHO
J. H. YOUNG, CLERK

R. H. YOUNG
Clerk of the Supreme Court

State of Idaho
Supreme Court

(208) 334-2210

451 W. STATE STREET
BOISE, IDAHO 83720

February 6, 1979

Case No. _____ Inst. No. _____
Filed 11:00 A.M. _____ P.M.
FEB 7 1979
J. W. CRUTCHER, CLERK
By _____ Deputy

Ms. Victoria White
Clerk of the District Court
Box 1049
Wallace, ID 83873

Re: Supreme Court No. 12227
State v. Creech

Dear Ms. White:

On February 2, 1979, the Remittitur in the above-entitled case issued and forwarded to your office.

As mentioned on the telephone, after discussion with Judge Durtschi it was determined that the Exhibits in this appeal should be returned to Valley County (trial origin) rather than to Shoshone County (appeal origin). This was also the feeling of Judge Towles of your District Court.

We will, therefore, return the Exhibits to Valley County as soon as feasible.

For your information and your file in this appeal we are enclosing herewith a list of the Exhibits.

Sincerely,

R. H. Young
Clerk

RHY:mb
Enclosure:

cc: Judge Durtschi
cc: Counsel of Record
cc: Clerk J. W. Crutcher
Valley County w/list of
Exhibits and copy of
Remittitur

COPY

E X H I B I T S

HEARING ON MOTION TO SUPPRESS, October 3, 1975, Wallace, Idaho.

STATE'S EXHIBIT NO.		MARKED	OFFERED	ADMITTED
1.	Poem.	738	739	739
2.	Notification of Rights form.	770	774	774
DEFENDANT'S EXHIBIT NO.				
A.	Handwriting Exemplar of Thomas Eugene Creech.	718	837	838
B.	Purported Statement of Creech dated November 8, 1974.	720	837	838
C.	Officer William Hill's report.	837	838	838
D.	Detective Jack Freeman's report.	837	838	838

VOIR DIRE EXAMINATION, Wallace, Idaho, October 6, 1975.

DEFENDANT'S EXHIBIT NO.				
E.	North Idaho Press, October 3, 1975.	870	871	871

WALLACE, IDAHO, TRIAL EXHIBITS (* indicates previously marked)

STATE'S EXHIBIT NO.				
1-A	Photograph	*	1610	1610
1-B	Photograph	*	1611	1612
1-C	Photograph	*	1608	1608
1-G	Photograph	*	1609	1609
1-J	Photograph	*	1607	1607

A. GAMBEE, C.S.R.
3 Hollandale Drive
Boise, Idaho 83705

I N D E X (Continued)

STATE'S EXHIBIT NO. (Continued)		Marked	Offered	Admitted
1-L	Photograph	*	1636	1636
1-M	Photograph	*	1637	1637
3.	Diagram of scene.	1715	1716	1716
3-A	Large diagram of scene.	1631	1632	1632
4.	Sleeping bag.	*	1614	1614
5.	Blanket.	*	1615	1615
6.	Piece of asphalt.	*	1642	-
7.	Dome light fragments.	*	1661	1661
10.	(Q-4) Bullet.	*	2119	2120
11.	(Q-1) Bullet.	*	2119	2120
12.	(Q-2) Bullet.	*	2119	2120
13.	(Q-3) Bullet.	*	2119	2120
17.	Portion of investigative file.	*	1722	-
18.	Portion of investigative file.	*	1722	-
22.	(K-1) .22 caliber automatic pistol.	*	2120	2120
23.	Holster.	*	2120	2120
24.	((Q-17) Blue maxi coat.	*	2121	2121
25.	Purse and contents.	*	2121	2121
25-A	.22 caliber rifle shells.	*	2121	2121
26.	.22 caliber rifle shells.	*	2122	2122
27.	Papers found in 1956 Buick.	*	1647	1647
27-A	Letter, Wayne to Joyce.	*	1698	1698

V. GAMBOA, C.S.R. Hollandale Drive Id. Idaho 83706

INDEX (Continued)

STATE'S EXHIBIT NO. (Continued)		Marked	Offered	Admitted
28-A	Photograph	*	-	1645
28-B	Photograph	*	1657	1657
28-C	Photograph	*	1657	1657
28-D	Photograph	*	1657	1657
28-E	Photograph	*	1657	1657
28-F	Photograph	*	1657	1657
28-G	Photograph	*	1655	1656
29-A	Photograph	*	1654	1654
29-B	Photograph	*	1654	1654
29-C	Photograph	*	1654	1654
29-D	Photograph	*	1654	1654
30.	Dome light.	*	1661	1661
31.	(Q-7 through Q-16) envelope containing ten .22 shells.	*	2122	2122
42.	Photograph	1658	1736 2122	- -
43.	Photograph.	1658	1736 2122	- -
44.	Photograph.	1658	1736 2122	- -
45.	Photograph.	1658	1736 2122	- -
46.	(Q-5) .22 caliber shell casing.	1658	2122	2122
47.	Bag containing numerous items. Trial Exhibit Nos. 32-40, Q-25 - Q-33 (Q-17 - Q-49 stipulated as part of Exhibit 47 on Page 2125)	1674	1674 2133	1674 2133

W. GAMBEE, C.S.R.
46 Hollandale Drive
Boise, Idaho 83705

I N D E X (Continued)

STATE'S EXHIBIT NO. (Continued)	Marked	Offered	Admitted
48. (Q-6) .22 caliber shell casing.	1694	2124	2124
49. Entire tape recorded conversation, Palmer-Creech.	1712	2855 2970	1713 - 2971
49-A Excerpt of tape recording.	2956	2956	2960
50. Copy of notes of Hodge.	1782	1782	1782
51. Blood sample.	1834	1834	1834
52. Blood sample.	1834	1834	1834
53. Dark brown shiny, solid material.	1899	1899	1900
53-A Evidence envelope.	1904	1903	1904
54. Piece of cardboard.	1900	1902	1902
54-A Evidence envelope.	1904	1903	1904
55. Notification of Rights & Waiver.	1945	2096 2562	2097 2563
56. Creech Voluntary Statement. November 8, 1974.	1945	2103 2562	2105 2563
57. Notification of Rights, Turner.	2002	2003	2003
58. Inventory of Detective Freeman.	2024	2024	2024
59. Copy of Miranda Warning.	2114	2116	2116
60. Copy of FBI report.	2124	2124	2124
61. Letter, Creech-Palmer, 6-9-75.	2197	2199	2199 2290
62. Envelope.	2198	2199	2199 2290

JOHN W. GAMBEE, C.S.R.
10040 Hollandale Drive
Boise, Idaho 83705

I N D E X (Continued)

STATE'S EXHIBIT NO. (Continued)	Marked	Offered	Admitted
63. Edited tape.	2277	2277	2278
64. Tape recorder.	2277	2277	2278
65. Handwritten statement of Creech.	2601	2601	2602
66. Photograph.	2617	2618	2618
67. Photocopy of letter, Creech-Plowman.	2620	2621	2621
68. Poem.	2643	2644	2644
69. Letter, Creech-Hilby.	2645	2645	2645
70. Dr. Estess' report (Submitted by Court).	2895	2895	2895

FBI LABORATORY "Q" EXHIBITS:

Q-17 Maxi coat - Spaulding
Q-18 Trousers - Spaulding
Q-19 Sock - Spaulding
Q-20 Sock - Spaulding
Q-21 Blouse - Spaulding
Q-22 Pants - Spaulding
Q-23 Shoe - Spaulding
Q-24 Shoe - Spaulding
Q-25 Trousers - Creech
Q-26 Shoe - Creech
Q-27 Shoe - Creech
Q-28 Shirt - Creech

...W. GAMBEE, C.S.R.
...60 Hollandale Drive
Boise, Idaho 83705

I N D E X (Continued)

FBI LABORATORY "Q" EXHIBITS:

Q-29 Belt - Creech
Q-30 Levi jacket - Creech
Q-31 Nylon jacket - Creech
Q-32 Sock
Q-33 Sock
Q-34 Trousers
Q-35 Shirt
Q-36 Shirt - Bradford
Q-37 Trousers - Bradford
Q-37A Handkerchief - Bradford
Q-38 Undershorts - Bradford
Q-39 Sock - Bradford
Q-40 Sock - Bradford
Q-41 Belt - Bradford
Q-42 Shirt - Arnold
Q-43 Trousers - Arnold
Q-44 Undershirt - Arnold
Q-45 Undershorts - Arnold
Q-46 Sock - Arnold
Q-47 Sock - Arnold
Q-48 Shoe - Arnold
Q-49 Shoe - Arnold

HN W. GAMBEE, C.S.R.
10068 Hollandale Drive
Boise, Idaho 83705

I N D E X (Continued)

DEFENDANT'S EXHIBIT NO.		Marked	Offered	Admitted
A.	Portion of investigative file. Bradford Rap Sheet.	1720	1722 2315 2854	- - 2854
B.	Portion of investigative file, Arnold Rap Sheet.	1720	1722 2315 2854	- - 2854
C.	Copy of Bradford postmortem exam record.	1818	1821	1823
D.	Copy of Arnold postmortem exam record.	1818	1825	1825
E.	[illegible]	1818		
F.	Beals' report to Scott re specimen Arnold exam.	1835	1836	1836
G.	Beals' report to Scott re specimen Bradford exam.	1835	1836	1836
H.	Officer Hill's report.	1963	1963 1966	1966
I.	Satanic Bible.	2585	2585 2586 2837	- - -
J.	Dr. Hurst's report.	2758	2783	2783
K.	Dr. Heyrend's report.	2829	2829	2829
L.	Edwin Stuart's polygraph report.	2847	2848	2848
M.	Entire tape recorded statement Palmer-Creech.	deemed 2858	2857 2961	- -
N.	Oregon State Hospital records.	2924	2925	2926

That Plaintiff's Exhibits numbered 1, 1-D, 1-E, 1-F, 1-H, 1-I, 1-N, 1-O, 1-P, 1-Q, 2-A, B, C, 14, 15, 16, 19 and 29-E which were marked for identification prior to the trial of the case in Valley County, Cascade, Idaho and transferred to Wallace, Idaho for the trial of the matter were not used or admitted into evidence;

That Exhibits 31 through 40 being "Q" Exhibits that were marked as separate Exhibits in Cascade were included as part of Exhibit No. 47 in the Trial in Wallace, Idaho and admitted into evidence;

That Exhibits 20 and 21 were marked at Cascade, Idaho and changed to Defendant's Exhibits A and B and admitted into evidence at Wallace, Idaho

EXHIBITS RECEIVED.....BUT NOT MARKED OR NOTED IN TRANSCRIPT

State's 1-K - photos
3 x 7 photo w/cover
2 photos developing envelopes negatives
1 plastic bag containing 5 plastic bags
envelope: w/glasses, knife, cigarette, pop can cap, comb, money, pipe, red star, match cover, bullets
envelope: w/social security card, BSU card, driver license card, library-activity card and plastic folder
plastic bag: w/weeds
plastic bag: w/bloody cigarettes, matches
empty plastic bags

In the Supreme Court of the State of Idaho

STATE OF IDAHO,

Plaintiff, Respondent and Cross-Appellant,

v.

THOMAS EUGENE CREECH,

Defendant, Appellant and Cross-Respondent.

NO. 12224

REMITTITUR

The Court, by per curiam opinion, on reargument on rehearing, announced the decision in this cause January 11, 1979, to the effect that the judgment of conviction of the District Court of the First Judicial District of the State of Idaho, Shoshone County, is affirmed; sentence is set aside and the case is remanded for further proceedings consistent with the opinion in Lindquist.

IT IS NOW THEREFORE SO ORDERED.

I, R. H. Young, Clerk of the Supreme Court of the State of Idaho, do hereby certify that the attached and foregoing is a true and correct copy of the opinion filed in the above entitled cause February 2, 1979, and now of record in my office.

WITNESS My hand and the seal of this Court February 2, 1979.

Clerk

COPY

Case No._____ Inst. No._____
Filed 11:10 A.M. _____ P.M.

NOV 10 1980

J. W. CRUTCHER, CLERK
By Suzanne Elliott Deputy

LANCE D. CHURCHILL
Deputy Attorney General
Appellate Division

BEFORE THE ADMINISTRATIVE JUDGE

FOURTH JUDICIAL DISTRICT, STATE OF IDAHO

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

THOMAS EUGENE CREECH,

Defendant-Appellant.

MOTION AND ORDER TO RELEASE PROPERTY USED IN EVIDENCE TO LAWFUL OWNER

COMES NOW the plaintiff in the above-entitled action, by and through its attorney, Lance D. Churchill, and moves this court pursuant to Idaho Code, § 19-3807, I.C.R. 41.1, and I.C.A.R. 38(d), for an order releasing custody of the handgun and holster (Exhibits 22 and 23 respectively), used in evidence in the above-entitled case, to its lawful owner, William G. Schreiber. Such motion is based on the ground that there is no need for the State to retain custody of said gun and holster since the case has been prosecuted through appeal and no further matters pertaining to the above-entitled case remain to be decided where the handgun or holster would be necessary evidence.

DATED this 30th day of October, 1980.

Lance D. Churchill

LANCE D. CHURCHILL
Deputy Attorney General
State of Idaho

Case No. _____ Inst. No. _____
Filed 11:10 A.M. _____ P.M.

NOV 10 1980

J. W. CRUTCHER, CLERK
By Suzanne Pratt Deputy

BEFORE THE ADMINISTRATIVE JUDGE

FOURTH JUDICIAL DISTRICT, STATE OF IDAHO

STATE OF IDAHO, Plaintiff-Respondent, vs. THOMAS EUGENE CREECH, Defendant-Appellant.	ORDER RELEASING PROPERTY USED IN EVIDENCE TO LAWFUL OWNER

BE IT THEREFORE ORDERED that said handgun and holster (Exhibits 22 and 23), used in evidence in the above-entitled case be returned to their lawful owner, William G. Schreiber.

DATED this 6th day of November, 1980.

[redacted]
Administrative Judge

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
BOISE 83720

DAVID H. LEROY
ATTORNEY GENERAL

TELEPHONE
(208) 334-2400

October 30, 1980

The Honorable Robert Rowett
Administrative Judge
Fourth Judicial District
150 South 4th East
Mountain Home, Idaho 83647

Re: State v. Creech
S. Ct. #12224

Dear Judge Rowett:

Enclosed please find a motion and order to release property used in evidence at the trial of Thomas Eugene Creech. If the motion is in proper form would you please sign the order and forward a conformed copy to this office so that we may proceed to have the county authorities return the property to Mr. Schreiber.

Thank you for your assistance in this matter.

Very truly yours,

Lance D. Churchill

Lance D. Churchill
Deputy Attorney General
Appellate Division

Certified Copies to Sheriff and PA 11-26-80

LDC:lb

Enc.

Judge
Do you see any problem in signing this Order?
Walters

```
        PAGE 006 OF 010
DSP WARR @E24642
ARR/  DATE       ORI        CASE
      060572  OR0260200 7253838
      ARREST NUMBER  7253838A
CHG CRIM ACT IN DRUGS,DA75956
DSP PG SYRS PROB MULT CO PROB DEPT
ARR/  DATE       ORI        CASE
      042174  OR0260200 7431870
      ARREST NUMBER  7431870A
CHG THEFT II,AS141
DSP G DISM MDA1118741+P/N!


        PAGE 007 OF 010
ARR/  DATE       ORI        CASE
      062274  OR0260200 7465144
      ARREST NUMBER  7465144A
CHG MURDER,DA100154,C7408587
DSP DISM,INSUFF EVID,062474
ARR/  DATE       ORI        CASE
      062274  OR0260200 7465144
      ARREST NUMBER  7465144B
CHG PKNG TAG11,543
DSP BAIL 78-00
ARR/  DATE       ORI        CASE]+P/N!


        PAGE 008 OF 010
      021075  OR0260000 75-2690
      ARREST NUMBER  75-2690A
CHG FV MCSO WARR C74092903
ARR/  DATE       ORI        CASE
      021075  OR0260000 75-2690
      ARREST NUMBER  75-2690B
CHG FV CAID MCSO WARR C7208242
ARR/  DATE       ORI        CASE
      061775  OR0260000 75-2690
      ARREST NUMBER  75-2690C
!


        PAGE 009 OF 010
ARR/  DATE       ORI        CASE
      061775  OR0260000 75269
      ARREST NUMBER  75-2690D
CHG C7209B423 PROB VIOL CAID
VARIABLE RECORD(S)
ARR/  DATE       ORI      PUR   CLR
001   120374  OR0260200  02    C
   SUF ',FIELD CONT REF,SW 2/HOOKER,G/C
   FN#31178,ROUTINE CHK,58 OREL OR 96-
   2111,BEST#1707/1226
ARR/  DATE       ORI      PUR   CLR]+P/N!


        PAGE 010 OF 010
01  051775  OR0260300  02    C
   DRIVER,TRAF ACC,7537578,SW FELLY LP
   NE,CITED SUSP OR]+P/N!
```

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NEXCITED SUSP OF )+P/N!


PAGE 001 OF 002
SN.62396

   62396
 +HIT+ TRUE NAME                    DFI
*CRANDALL,LINDA LEE                DR0030300
 CRS-NO  S R NT    DOB   HGT WGT HR EYE
00062396 F W     030650      0
    OLN          OLS OLY   DOE   STE
                          102573
VARIABLE RECORD(S)
VAR/  DATE      ORI     PUR   CLR )+P/N!


       PAGE 002 OF 002
001  102473  DR0030300  02    C
   OWNER STOLEN RECOVERED VEHICLE FE 7
   3646,INV:KUSTURIN)+P/N!


MSG ID:  4965, SENT  9/22/75 AT  2327,
FROM LEDS     REUR E4 4962
0222  2327
REUR 4962 LEDS
THE SUBJECT OF UR INQUIRY MAY BE --

BASED ON --NAM,DOB
SID/3255395 FBI/   413815F
NAM/HILBY,GENE ALVIN
DOB/021948 SEX/M RAC/W FBI/OF .


HGT/600 WGT/150 HAI/BRO EYE/BLU
HEN/05U17U FPC/D0051104131DI1308080
SOC/541564565
```

No Rap? on Coondale

No Criss Record Mo?? on Becky Hilby

MSG ID: 2051, SENT 9/23/75 AT 1550,
FROM LEDS REUR E4 2049
4242 1550
REUR 2049 LEDS
NO CCH CANDIDATES
NAM/WILBY,BECKY.DOB/120347.SEX/F.RAC/W
!

MSG ID: 2060, SENT 9/23/75 AT 1551,
FROM LEDS REUR E4 2049
4251 1551
REUR 2049 LEDS
NO IDENTIFIABLE NCIC CRIMINAL
RECORD-WILBY,BECKY
!

MSG ID: 2062, SENT 9/23/75 AT 1551,
FROM LEDS REUR E4 2059
4253 1551
REUR 2059 LEDS
NO CCH CANDIDATES
NAM/CRANDALL,LINDA.DOB/032650.SEX/F.RAC/
#

```
·SG ID:  2005· SENT  9/23/75 AT  15:5·
FROM LEDO     FEUR E4 2003
·214  1548
FEUR 2003 LEDO

  INFORMATION IN THIS RECORD REPRESENTS
DATA FURNISHED TO OSB BY
  PARTICIPATING AGENCIES.  IF FURTHER
DETAIL IS DESIRED, COMMUNICATE ·
!


  DIRECT TO CONTRIBUTOR.  THIS REPORT
SHOULD NOT BE USED AFTER
  03/23/76.  FOR ACCURATE INFORMATION,
NEW INQUIRY MUST BE MADE.

·CH RECORD FOR SID/3255395 FBI/
·13615F
NAM/HILBY,GENE ALVIN
DOB/021948 SEX/M RAC/W POB/OR ·
!


 HGT/600 WGT/150 HAI/BRO EYE/BLU
WGN/05U17U FPC/P0081106131I13CSC06
· ADDITIONAL IDENTIFIERS ·
SOC/541564565
ARR 02-10-75-   OR SO MULTNOMAH CO
LAN/·13615F
  NAME USED/HILBY,GENE ALVIN
 5011 PAROLE VIOLATION-2 CTS ·
!


-RR 06-22-74-   OR PD PORTLAND
LAN/55697
  NAME USED/HILBY,GENE ALVIN
 0900 HOMICIDE-
  09-24-74 OR CIRCUIT COURT PORTLAND
  DISMD 0900 HOMICIDE-
ARR 05-05-72-   OR PD PORTLAND
LAN/55697
  NAME USED/HILBY,GENE ALVIN ·
!


 3500 DANGEROUS DRUGS-
  CRT OFF UNKNOWN
  CONVD 3500 DANGEROUS DRUGS-   JL-45
FR-SY
ARR 06-11-68-   OR0192900  LAN/18425
  NAME USED/HILBY,GENE ALVIN
 3562 MARIJUANA-
ARR 12-02-67-   OR0192900  LAN/18425
 3562 MARIJUANA-
  CRT OFF UNKNOWN ·
!


  CONVD 3562 MARIJUANA-   $ -250 FR-SY
   12-02-67 PROBATION  OR0192900
SLU/02-14-75
!
```

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// DATE        ORI         CASE
   080572  OR0260200 7253838
  ARREST NUMBER  725383A
CHG CRIM ACT IN DRUGS,DA75-05
DSP PG 3YRS PROB MULT CO PROB DEPT
ARR/  DATE       ORI         CASE
      042174  OR0260200 7431870
      ARREST NUMBER  7431870A
CHG THEFT II,A8141
DSP G DISM MDA111874]•P/N!



        PAGE 007 OF 010
ARR/  DATE       ORI         CASE
      032274  OR0260200 7465144
      ARREST NUMBER  7465144A
CHG MURDER,DA100156,C74082587
DSP DISM,INSUFF EVID,092474
ARR/  DATE       ORI         CASE
      032274  OR0260200 7465144
      ARREST NUMBER  7465144B
CHG PKNG TAG11,543
DSP BAIL 78-00
ARR/  DATE       ORI         CASE]•P/N!


!



        PAGE 009 OF 010
ARR/  DATE       ORI         CASE
      061775  OR0260000 752690
      ARREST NUMBER  75-2690D
CHG C72082423 PROB VIOL CAID
VARIABLE RECORD(S)
VAR/  DATE       ORI       PUR    CLR
001   120374  OR0260200   02     C
   SUBJ,FIELD CONT REP,SW 2/HOOKER,W/C
   RN#31178,ROUTINE CHK,50 DPEL OR 96-
   2111,BPST#1707/1226
VAR/  DATE       ORI       PUR    CLR]•P/N!



        PAGE 010 OF 010
002   051775  OR0260200   02     C
   DRIVER,TRAF ACC,7537578,SW KELLY/LA
   NE,CITED SUSP DP]•P/N!
```

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        PAGE 001 OF 002
DN,62396

   62396
 •HIT• TRUE NAME                    ORI
•CRANDALL,LINDA LEE               OR0030300
 DRS-NO   I P NT     DOB    HGT WGT HP EYE
00062396 F W      032650          0
     OLN           OLS OLY    DOE     STE
                             102573
VARIABLE RECORD(S)
VAR/  DATE       ORI       PUR    CLR]•P/N!



        PAGE 002 OF 002
[illegible]
   OWNER [illegible]EN RECOVERED VEHICLE PE 7
   364•[illegible]•RETURN]•P/N!
```